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New Jersey, Laws, statutes, etc.  
Acts of the legislature of the  
state of New Jersey.

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*... Laws, Statutes, etc*

# ACTS

*... 6*

OF THE

*... of the ...*

## One Hundred and Third Legislature

OF THE

STATE OF NEW JERSEY.

AND

THIRTY-FIFTH UNDER THE NEW CONSTITUTION.



MORRISTOWN, N. J.:  
VANCE & STILES, PRINTERS.  
1879.

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The following General Public Laws passed at the One Hundred and Third Legislature, are compiled in accordance with the act entitled "An Act relative to the public printing," approved March 14, 1879, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts." The General Public Acts are printed in the front part of the volume. The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index. The Special Public and Private Acts follow in the order of their approval, and with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,  
*Secretary of State.*



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**OF THE**  
**One Hundred and Third Legislature**  
**OF NEW JERSEY.**

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# GENERAL PUBLIC LAWS.

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# GENERAL PUBLIC ACTS

PASSED BY THE

## One Hundred and Third Legislature.

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### CHAPTER I.

A Supplement to an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven, which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, now due and unpaid, or shall hereafter become due, to the board of aldermen or common council or township corporation,

mittee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose, which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half year's interest until due; which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose," be amended so as to read as follows:

Section as  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee of finance and taxation of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township, shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half year's interest until due; which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose," be amended so as to read as follows:

resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor, comptroller, chairman of the township committee, or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder; which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor, comptroller, chairman, or other proper financial officer of said city, town or township, in a book to be provided for that purpose; *provided* this act shall only apply to bonds for which no sinking fund has heretofore been provided, and that hereafter on all such bonds re-issued under the provisions of this act a sinking fund of not less than three per cent. per annum together with the interest on such bonds shall be raised in the annual tax levy of such cities.

How executed.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.

GEORGE B. McCLELLAN,  
*Governor.*

WILLIAM J. SEWELL,  
*President of the Senate.*

SCHUYLER B. JACKSON,  
*Speaker of the House of Assembly.*

## CHAPTER II.

## An Act concerning the election of trustees of orphan asylum associations.

Associations  
may change the  
time of holding  
annual elections

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any incorporated orphan asylum association in this state to change the time of holding the annual election of trustees of such association, at any annual or special meeting of the association, by the affirmative votes of three-fourths of the members present at such meeting; *provided*, ten days' notice of the intention to propose a change in the time of holding such annual election shall have been given by at least two insertions in a newspaper printed and published in the county in which such association exists, within two weeks next preceding the meeting at which such change is voted upon; and if at such meeting it shall be decided, by the aforesaid vote, to hold the annual election immediately, such election may be held forthwith; and the trustees and officers whose terms of office would expire in that year shall vacate their several offices immediately upon the election of their successors.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.



## CHAPTER III.

Supplement to the act entitled "An act to incorporate associations for the erection and maintenance of monuments and statues," approved March nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any association incorporated under the provisions of the act to which this is a supplement, whenever there shall be in the treasury of such association moneys which have been or shall be donated for the purposes for which such association was or may be incorporated, but not sufficient in amount to accomplish such purposes, to loan such moneys or any part thereof by order of and under the direction of the executive committee of such association at the legal rate of interest, and to invest the same either upon bond and mortgage on real estate, or in securities of the United States or of the state of New Jersey, or of any county within said state, and to keep the same invested until such time as the trustees of such association shall determine that the accumulations of interest together with the principal shall be sufficient for the purposes for which said association was incorporated. Authorized to loan and invest moneys.

2. *And be it enacted*, That such association shall have power to collect the moneys so loaned or sell the securities on which the same shall be invested, and all interest growing due thereon, under the direction of the executive committee of such association, and shall apply the moneys so derived to the purposes for which such association was incorporated, whenever the trustees shall determine, as provided in the preceding section. Collections of moneys loaned and interest due.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 4, 1879.

## CHAPTER IV.

A Supplement to an act entitled "An act respecting railroads and canals," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-two of the act entitled "An act respecting railroads and canals," which reads as follows:

Section to be  
amended recit-  
ed.

"62. *And be it enacted*, That so much of this act as authorizes the governor to commission persons designated by a railroad corporation to act as policemen for such corporation, and regulate their commissions, powers, duties, badge, compensation and the determination of their offices is hereby made applicable to the canal corporations of this state, and policemen so commissioned shall be designated canal police," shall be amended so as to read as follows:

Section as  
amended.

62. *And be it enacted*, That so much of this act as authorizes the governor to commission persons designated by a railroad corporation to act as policemen for such corporation, and regulate their commissions, powers, duties, badge, compensation and the determination of their offices is hereby made applicable to the canal corporations of this state, and policemen so commissioned shall be designated "canal police," and is also hereby made applicable to steamboat companies and corporations; and policemen so commissioned shall exercise their authority whilst upon the waters within the concurrent jurisdiction of this state and of other states, and whilst on the wharves or landings of the said steamboat companies and corporations in this state, and shall be designated "steamboat police."

passed February 4, 1879.

## CHAPTER V.

**An Act defining the power of public road boards, in the macadamizing of public roads and avenues in this state.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any public road board of this state, now authorized by its charter, or the law under which it is organized, to macadamize the carriage way of any public road or avenue under its control, to a width not exceeding twenty feet, shall deem it expedient and advisable, by reason of the location of a railway track or tracks on any such public road or avenue, to lay a portion of said pavement on either side of said railway track or tracks, so as to conform to the existing condition of said road or avenue, it shall be lawful for said public road board, and it is hereby authorized and empowered to macadamize, to a width of not less than ten feet, on either side of said railway track or tracks, the carriage way of any road or avenue so circumstanced as aforesaid, over which said road board now has control; *Authorized to macadamize on either side of railway tracks.* *provided, however,* that no public road or avenue shall be *Provided.* macadamized to a width exceeding twenty feet in the whole; *and provided further,* that nothing herein contained shall in any way affect any existing law authorizing assessment of the costs of macadamizing public roads and avenues under the control of any public road board in this state; but said costs, and all expenses there-with, shall be assessed upon all the property specially benefited in the same manner as now provided by law, in respect to the laying out, opening and improving of said avenues.

2. *And be it enacted,* That this act shall be a public law and shall take effect immediately.

Approved February 4, 1879.

## CHAPTER VI.

## An Act for the government of cities.

Term of office  
to commence on  
the first day of  
January, suc-  
ceeding elec-  
tion.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities, having, by the ninth census, a population not less than twenty thousand, nor more than twenty-five thousand inhabitants and having a board of assessors of taxation, whose elections occur within the time required by the charters of said cities for assessments of taxes to be made, the term of office of said members of the board of assessors shall hereafter commence on the first day of January succeeding their election, and continue during the terms prescribed in said charters; *provided*, that all members of the board of assessors in said cities, now in office, shall continue in office until their successors are qualified.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 4, 1879.

## CHAPTER VII.

it to an act entitled "An act regulating practice in criminal cases," approved March twenty-one thousand eight hundred and seventy-four.

ENACTED *by the Senate and General Assembly of New Jersey*, That in all cases in which judgment shall be given in any of the courts of the State against any person or persons, it shall be the duty of the court in which such judgment shall be given, and after giving such judgment, to appoint a jury from among the persons liable

duty as grand jurors in the county in which such judgment is to be executed, twelve respectable persons, two of whom shall be physicians, whose duty it shall be to be present at the time and place of the execution of such judgment, and to attend upon and witness the same.

2. *And be it enacted*, That each of the persons so appointed as aforesaid, shall before entering upon the duty required of them by such appointment, take an oath or affirmation before the clerk of the court making such appointment, faithfully to execute and perform the duty required of them by such appointment, and truly to report and make known in writing under their hands to the court by which they were appointed, the time, place and manner of the execution of such judgment, and the names of all persons present thereat; and immediately after the execution of such judgment of death the said several persons appointed to witness the same as aforesaid, shall unite in a report in writing under their hands, to be addressed to the court by which they were appointed, in which shall be fully and particularly stated and set forth the time, place and manner of the execution of such judgment of death and the names of all persons present thereat, which report shall on the same day be filed with the clerk of the court in which such judgment was given.

Persons so appointed to take an oath or affirmation and make a report in writing.

3. *And be it enacted*, That it shall be lawful for the sheriff of the county in which such judgment is to be executed, not less than ten days before the time fixed for the execution of such judgment, to appoint and designate from among the residents and citizens of such county who are liable to serve as jurors therein, twelve respectable persons to serve as special deputies of such sheriff at the time and place fixed for the execution of judgment; but nothing herein contained shall prevent such sheriff from appointing as many deputies to be on the day fixed for the execution of such judgment as may in his opinion be necessary to preserve the *provided*, that only twelve deputies to be appointed as hereinbefore provided, shall be present or witness the execution of such judgment of death *provided further*, that nothing herein contained shall prevent members of the family of the person or per-

Sheriff to appoint special deputies to attend execution.

## CHAPTER VI.

## An Act for the government of cities.

Term of office  
to commence on  
the first day of  
January, suc-  
ceeding elec-  
tion.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities, having, by the ninth census, a population not less than twenty thousand, nor more than twenty-five thousand inhabitants, and having a board of assessors of taxation, whose elections occur within the time required by the charters of said cities for assessments of taxes to be made, the terms of office of said members of the board of assessors shall hereafter commence on the first day of January succeeding their election, and continue during the terms prescribed in said charters; *provided*, that all members of the board of assessors in said cities, now in office, shall continue in office until their successors are qualified.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 4, 1879.

## CHAPTER VII.

it to an act entitled "An act regulating pro-  
n criminal cases," approved March twenty-  
e thousand eight hundred and seventy-four.

ACTED *by the Senate and General Assembly of  
ew Jersey*, That in all cases in which judg-  
shall be given in any of the courts of this  
any person or persons, it shall be the duty  
a which such judgment shall be given, and  
after giving such judgment, to appoint and  
writing from among the persons liable to



duty as grand jurors in the county in which such judgment is to be executed, twelve respectable persons, two of whom shall be physicians, whose duty it shall be to be present at the time and place of the execution of such judgment, and to attend upon and witness the same.

2. *And be it enacted*, That each of the persons so appointed as aforesaid, shall before entering upon the duty required of them by such appointment, take an oath or affirmation before the clerk of the court making such appointment, faithfully to execute and perform the duty required of them by such appointment, and truly to report and make known in writing under their hands to the court by which they were appointed, the time, place and manner of the execution of such judgment, and the names of all persons present thereat; and immediately after the execution of such judgment of death the said several persons appointed to witness the same as aforesaid, shall unite in a report in writing under their hands, to be addressed to the court by which they were appointed, in which shall be fully and particularly stated and set forth the time, place and manner of the execution of such judgment of death and the names of all persons present thereat, which report shall on the same day be filed with the clerk of the court in which such judgment was given.

Persons so appointed to take an oath or affirmation and make a report in writing.

3. *And be it enacted*, That it shall be lawful for the sheriff of the county in which such judgment is to be executed, not less than ten days before the time fixed for the execution of such judgment, to appoint and designate from among the residents and citizens of such county who are liable to serve as jurors therein, twelve reputable persons to serve as special deputies of such sheriff at the time and place fixed for the execution of judgment; but nothing herein contained shall prevent such sheriff from appointing as many deputies to be on the day fixed for the execution of such judgment as may in his opinion be necessary to preserve the *provided*, that only twelve deputies to be appointed designated as hereinbefore provided, shall be present to witness the execution of such judgment of death *provided further*, that nothing herein contained shall prevent members of the family of the person or per-

Sheriff to appoint special deputies to attend execution.

against whom judgment of death shall have been given, not exceeding three in number, or any ministers of the gospel, not exceeding two in number, all of whom shall be designated by such person or persons, from being present at and witnessing the execution of such judgment of death.

Penalty for admitting persons other than those appointed and designated by law.

4. *And be it enacted*, That if any sheriff, under sheriff, deputy sheriff or jailer, shall procure, permit or suffer any other person or persons than those hereinbefore designated to be present at or witness the execution of any judgment of death, such sheriff, under sheriff, deputy sheriff or jailer, shall be liable to punishment as for a contempt of the court in which such judgment of death was given.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 6, 1879.

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## CHAPTER IX.

A Further Supplement to the act entitled "An act appropriating scrip for the public lands granted to the state of New Jersey by the act of Congress, approved July second, one thousand eight hundred and sixty-two," approved April fourth, one thousand eight hundred and sixty-four.

IT ENACTED by the Senate and General Assembly of New Jersey, That for the purpose of bringing attention, the condition of the free state in the state agricultural college, the board of hereby authorized to give such notice by ting, or by advertisement, of the counties to vacant scholarships belong, and the mode of as they may judge to be to the interest of

council, township committee or board of finance and taxation of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor, comptroller, chairman of the township committee or other proper financial officer thereof, and shall have coupons attached for every half-year's interest until due, or may be registered, at the option of the holder, which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor, comptroller, chairman or other proper financial officer of said city, town or township in a book to be provided for that purpose; *provided*, that in order to Proviso. redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township to establish a sinking fund, which shall be created either by a special tax of not less than three per centum on the issue herein provided for, to be raised in the annual tax levy or from collections of assessments for improvements in cases where the bonds hereby authorized to be reissued were originally issued to pay for street and sewer improvements in any such city, town or township, or both, at the option of the governing body thereof.

2. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special tax annually levied and collected as other city, town and township taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee or board of finance and taxation of any said city, town or township, may dispose of said bonds at either public or private sale for the best

Interest shall be raised and paid by a special tax annually levied and collected.

Proviso.

Proviso.

been advertised at least four weeks successively, once a week next preceding the time appointed therefor, in at least two newspapers printed and published in the county where the land is situated, whether either of such newspapers be published at the county seat or not; *and provided, further*, that all the other provisions of said last-mentioned act in relation to the publication of advertisements of sales of lands shall have been complied with; *and provided, further*, that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1879.

## CHAPTER XII.

An Act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

Per centum of indebtedness that may be renewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state under the authority of law are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee or board of finance and taxation of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be paid in such sums as the board of aldermen, common

council, township committee or board of finance and taxation of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor, comptroller, chairman of the township committee or other proper financial officer thereof, and shall have coupons attached for every half-year's interest until due, or may be registered, at the option of the holder, which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor, comptroller, chairman or other proper financial officer of said city, town or township in a book to be provided for that purpose; *provided*, that in order to Proviso. redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township to establish a sinking fund, which shall be created either by a special tax of not less than three per centum on the issue herein provided for, to be raised in the annual tax levy or from collections of assessments for improvements in cases where the bonds hereby authorized to be reissued were originally issued to pay for street and sewer improvements in any such city, town or township, or both, at the option of the governing body thereof.

2. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special tax annually levied and collected as other city, town and township taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee or board of finance and taxation of any said city, town or township, may dispose of said bonds at either public or private sale for the best

Interest shall be raised and paid by a special tax annually levied and collected.

Bonds not to be  
sold at less than  
their par value.

price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

Repealer.

3. *And be it enacted*, That any act or acts or parts thereof inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved February 18, 1879.

## CHAPTER XIII.

A Further Supplement to an act entitled "An act to extend the time for the completion of railroads, approved February twentieth, one thousand eight hundred and seventy-eight," which supplement was approved April third, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a further supplement, which reads: as follows, to-wit:

Section to be  
amended recit-  
ed.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, six miles or more of whose railroad has been built, the time for the completion of which will expire during the year now current, be and they are hereby authorized and empowered to complete their respective railroads within five years from the passage of this act, anything in their charters or original acts of incorporation or the supplements thereto to the contrary notwithstanding; *provided*, that in all other respects the said companies shall be subject to all the powers and restrictions contained

in their several acts of incorporation and the supplements thereto," be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, six miles or more of whose railroad has been built or graded, the time for the completion of which has expired during the year last past, be and they are hereby authorized and empowered to complete their respective railroads within five years from the passage of this act, anything in their original acts of incorporation or the supplements thereto to the contrary notwithstanding; *provided*, that in all other respects the same companies shall be subject to all the powers and restrictions contained in their several acts of incorporation and the supplements thereto. Section as amended.  
Time for completing road extended.  
Proviso.

2. *And be it enacted*, That all acts inconsistent with this act, be and they are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

## CHAPTER XIV.

A Supplement to the act entitled "An act respecting executions," revision, approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which reads as follows, to wit:

"10. *And be it enacted*, That goods and chattels of every kind, not exceeding in value (exclusive of wearing apparel) the sum of two hundred dollars, and all wearing apparel the property of any debtor having a family Section to be amended recited

**Proviso.**

residing in this state, shall be reserved, as well after as before the death of the debtor, for the use of his family, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this state, except the same be issued on a judgment founded on a contract made before the fourteenth of March, one thousand eight hundred and fifty-one; *provided*, that nothing herein contained shall be deemed or held to protect from sale, under execution or other process, any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted; or to apply to process issued for the collection of taxes," be and the same is hereby amended, so as to read as follows, to wit:

**Section as amended.**

10. *And be it enacted*, That goods and chattels, shares of stock or interest in any corporation, and personal property of every kind, not exceeding in value (exclusive of wearing apparel) the sum of two hundred dollars, and all wearing apparel the property of any debtor having a family residing in this state, shall be reserved, as well after as before the death of the debtor, for the use of his family, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this state, except the same be issued on a judgment founded on a contract made before the fourteenth of March, one thousand eight hundred and fifty-one; *provided*, that nothing herein contained shall be deemed or held to protect from sale, under execution or other process, any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted; or to apply to process issued for the collection of taxes.

**Proviso.**

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.



## CHAPTER XV.

An Act to provide for the summary investigation of county and municipal expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditures may have been investigated.

Justice of supreme court to cause summary investigation to be made.

Penalty for refusal or failure to obey orders of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

## CHAPTER XVI.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Executor or administrator may prosecute by virtue of letters obtained in another state.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any executor or administrator by virtue of letters obtained in another state may prosecute any action in any court of this state without first taking out letters in this state ; *provided*, that such executor or administrator shall, upon commencing suit, file in the office of the clerk of the court in which such suit shall be brought an exemplified copy of the record of his or their appointment ; *provided also*, that if security for costs be demanded, said executor or administrator shall file such security at the same time, and in the manner as the same is now required of non-residents who shall prosecute any action in this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

## CHAPTER XVII.

A Further Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh one thousand eight hundred and seventy-four.

**WHEREAS**, By a supplement to an act entitled "An act for Preamble, the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, which was approved February seventh, one thousand eight hundred and seventy-six, it is provided that no board of education of any city in this state, or any committee or member thereof, shall disburse, order or vote for the disbursement of any public moneys in excess of the appropriation, respectively, to any such board or committee; *and whereas*, it sometimes occurs that a considerable period elapses between the expiration of the time for which appropriations have been made and the making of new appropriations; therefore,

1. **BE IT ENACTED** *by the Senate and General Assembly of* May incur obligations in anticipation of appropriations. *the State of New Jersey*, That it shall be lawful for any board of education to keep open the public schools under its charge, in anticipation of appropriations, for a period not exceeding three months after the organization of such board, and for that purpose to incur the necessary obligations not exceeding one quarter of the sum appropriated for the year immediately preceding; *provided* that this Proviso. **act** shall not apply to counties having less than fifty thousand inhabitants or more than sixty thousand inhabitants.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

## CHAPTER XVIII.

▲ Supplement to an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six.

1. **BE IT ENACTED** *by the Senate and General Assembly of* Vacancy, how filled. *the State of New Jersey*, That any vacancy existing in the office of constable in this state by reason of resignation,

Proviso.

removal or death, such vacancy may be filled by the board of aldermen, common council, township committee or other legislative body of any incorporate city, town or township within this state; *provided*, that such vacancy so filled be only for the unexpired term.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1879.

## CHAPTER XIX.

An Act to repeal an act entitled "Supplement to an act to regulate elections," approved April eighteenth, anno domini, one thousand eight hundred and seventy-six, which supplement was approved March seventh, anno domini, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, two, three and four of said supplement to said act, and which reads as follows:

Recital of section to be repealed.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person attending at any college, theological seminary, academy, or other literary institution, in any township, ward, borough, or city, for the purpose of obtaining an education, shall be entitled to vote therein, nor lose his right at his former residence; *provided*, this act shall not apply to any such person who has removed and taken up his permanent residence in any such township, ward, borough or city.

Recital of section to be repealed.

"2. *And be it enacted*, That any person prohibited by this act, who shall vote, or offer his vote, knowing that he is not qualified, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at

hard labor, for any term not exceeding one year, or both, at the discretion of the court, before which such conviction is had.

"3. *And be it enacted*, That if any judge or inspector of election, shall, at any election held after the passage of this act, knowingly and wilfully receive or assent to receive the vote of any person who is prohibited by this act, shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court before which such conviction is had. Recital of section to be repealed.

"4. *And be it enacted*, That this act shall take effect immediately," shall be and the same is hereby repealed, Repealer. and that this act shall take effect immediately.

Passed February 20, 1879.

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## CHAPTER XX.

An Act to repeal an act entitled "An act concerning cities having a population of over one hundred and twenty thousand, and providing for conformity between the lines of wards and assembly districts in any such city," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act concerning cities having a population of over one hundred and twenty thousand, and providing for conformity between the lines of wards and assembly districts in any such city," approved April fifth, one thousand eight hundred and seventy-eight, which said act is as follows:

Recital of section to be repealed.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, which according to the last state census of this state, contained a population of over one hundred and twenty thousand, or any city which may hereafter acquire such population, it shall be the duty of the mayor and common council, or other municipal board corresponding thereto, and such mayor and common council, or municipal board of every such city are hereby directed, by resolution, to divide such city into wards, corresponding in number and boundaries to the assembly districts or parts of assembly districts within the limits of such city.

Recital of section to be repealed.

"2. *And be it enacted*, That such division of such city into wards, as provided for in the first section of this act, shall be made on or before the first day of May, after the passage of this act, and on or before the first day of May in each year whenever any change in the assembly districts in such city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines, or part or parts of assembly districts within such city.

Recital of section to be repealed.

"3. *And be it enacted*, That whenever under the terms of this act ward lines are changed as aforesaid, in any such city, no other wards shall exist or be in any way recognized therein.

Recital of section to be repealed.

"4. *And be it enacted*, That nothing in this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer.

Recital of section to be repealed.

"5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid, such common council or other municipal boards

establish an exact conformity between the ward lines and the assembly district lines, or part or parts of assembly districts within such city.

"3. *And be it enacted*, That whenever under the terms of this act ward lines are changed as aforesaid, in any such city, no other wards shall exist or be in any way recognized therein. Recital of section to be repealed.

"4. *And be it enacted*, That nothing in this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer. Recital of section to be repealed.

"5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also, all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid, such common council or other municipal boards shall consist of those elected from the wards as changed under authority of this act. Recital of section to be repealed.

"6. *And be it enacted*, That all acts and parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed. Recital of section to be repealed.

"7. *And be it enacted*, That this act shall take effect immediately," be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this repealer shall take effect immediately.

Passed February 20, 1879.

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## CHAPTER XXI.

An Act to repeal an act entitled "An act concerning cities containing more than two assembly districts, where all the assembly districts within any such city are completely and exclusively within the limits of such city, and embrace no territory outside of such city, and pro-

viding for conformity between the lines of wards and assembly districts in such city," approved April fifth, one thousand eight hundred and seventy-eight.

Recital by sections of act to be repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act concerning cities containing more than two assembly districts, where all the assembly districts within any such city are completely and exclusively within the limits of such city, and embrace no territory outside of such city, and providing for conformity between the lines of wards and assembly districts, in such city," approved April fifth, one thousand eight hundred and seventy-eight, which said act is as follows :

Section one.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, which now or hereafter shall contain more than two assembly districts within any such city, which assembly districts are completely and exclusively within the limits of such city, and embrace no territory outside of such city, it shall be the duty of the mayor and common council or other municipal board corresponding thereto, and such mayor and common council or municipal board of every such city, are hereby directed by resolution, to divide such city into wards corresponding in number and boundaries to such assembly districts exclusively embraced as aforesaid, within the limits of such city.

Section two.

"2. *And be it enacted*, That such division of such city into wards as provided for in the first section of this act, shall be made on or before the first day of May in each year, whenever any change in the assembly districts in such city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines within such city.

Section three.

"3. *And be it enacted*, That whenever, under the terms of this act, ward lines are changed as aforesaid in any such city, no other wards shall exist, or be in any way recognized therein.

Section four.

"4. *And be it enacted*, That nothing within this act contained, shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to



such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer.

"5. *And be it enacted*, That the common council or <sup>Section five.</sup> other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by the authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over, as aforesaid, such common council or other municipal boards shall consist of those elected from the wards as changed under the authority of this act.

"6. *And be it enacted*, That all acts and parts of acts, <sup>Section six.</sup> general, public, local, or special, inconsistent with this act be and the same are hereby repealed.

"7. *And be it enacted*, That this act shall take effect im- <sup>Repealer.</sup> mediately," be and the same is hereby repealed.

2. *And be it enacted*, That this repealer shall take effect immediately.

Passed February 20, 1879.

## CHAPTER XXII.

An Act to repeal chapter two hundred and sixty-three of the laws of one thousand eight hundred and seventy-eight, entitled, "An act relative to the boundaries of aldermanic districts or wards, in cities of this state."

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Repealer.</sup> *the State of New Jersey*, That chapter two hundred and sixty-three of the laws of one thousand eight hundred and seventy-eight, entitled, "An act relative to the boundaries of aldermanic districts or wards, in cities of this state," be and the same is hereby repealed.

2. *And be it enacted*. That this act shall take effect immediately.

Passed February 20, 1879.

## CHAPTER XXIII.

An Act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April third, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

Repealer.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved March fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

3. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved March sixth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That the act entitled "An act to amend an act entitled 'An act to reapportion the several

assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which act was approved March twelfth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed.

5. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed. Repealer.

6. *And be it enacted*, That the act entitled "An act to amend an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which act was approved April fourth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed. Repealer.

7. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to reapportion the several assembly districts of the state of New Jersey,' approved March twenty-second, one thousand eight hundred and seventy-one," which supplement was approved April fifth, one thousand eight hundred and seventy-eight, be, and the same is hereby repealed. Repealer.

8. *And be it enacted*, That the act entitled "An act to define and establish the boundaries of the several assembly districts of the county of Morris," which act was approved March fourth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed. Repealer.

9. *And be it enacted*, That the act entitled "An act to define and establish the several assembly districts of the county of Mercer," which act was approved March twenty-ninth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed. Repealer.

10. *And be it enacted*, That the act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, and which act reads as follows: Recital of act to be revived, relating to the several assembly districts.

**Cape May county.** “1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts, equal in number to the number of members of the general assembly which said counties are entitled to elect, respectively, that is to say: the county of Cape May shall constitute one assembly district, to be composed of the several townships therein, and the city of Cape May.

**Atlantic.**

“2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several townships therein, and the city of Atlantic.

**Cumberland.**

“3. *And be it enacted*, That the county of Cumberland shall constitute two districts: the first district to be composed of the first, second and third wards of the city of Bridgeton, and the townships of Fairfield, Downe, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the first, second and third wards of the city of Millville, and the townships of Maurice River, Landis and Deerfield.

**Salem.**

“4. *And be it enacted*, That the county of Salem shall constitute two districts: the first district to be composed of the townships of Lower Penn's Neck, Upper Penn's Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of the first and second wards of Salem City, and the townships of Elsinboro, Mannington, Upper Alloways Creek and Lower Alloways Creek.

**Gloucester.**

“5. *And be it enacted*, That the county of Gloucester shall constitute two districts: the first district to be composed of Woodbury City, and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Clayton, Franklin, Harrison and Woolwich.

**Camden county.**

“6. *And be it enacted*, That the county of Camden shall constitute three districts: the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware; the third district to be composed of Gloucester City, and the town-

ships of Centre, Haddon, Gloucester, Waterford and Winslow.

"7. *And be it enacted*, That the county of Burlington Burlington county. shall constitute four districts: the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Chester; the third district to be composed of the townships of Willingboro, Pemberton, North Hampton, West Hampton, Lumberton and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor.

"8. *And be it enacted*, That the county of Ocean Ocean county. shall constitute one assembly district, to be composed of the several townships therein.

"9. *And be it enacted*, That the county of Mercer Mercer. shall constitute three districts, to remain as now composed.

"10. *And be it enacted*, That the county of Monmouth Monmouth. shall constitute three districts: the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan.

"11. *And be it enacted*, That the county of Middlesex Middlesex. shall constitute three districts, to remain as now composed.

"12. *And be it enacted*, That the county of Somerset Somerset. shall constitute two districts, to remain as now composed.

"13. *And be it enacted*, That the county of Hunterdon Hunterdon. shall constitute two districts: the first district to be composed of the townships of West Amwell, East Amwell, Lambertville, Delaware, Raritan, Readington and Kingwood; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon and Tewksbury.

"14. *And be it enacted*, That the county of Union Union. shall constitute three districts: the first district to be composed of the territory now comprising the first, second, third,

fourth and eighth wards of the city of Elizabeth; the second district to be composed of the territory now comprising the fifth, sixth and seventh wards of the city of Elizabeth, and the townships of Union, Springfield, Cranford and Linden; the third district to be composed of the territory now comprising the four wards of the city of Rahway, and the townships of Plainfield, Westfield, Summit, New Providence and Clark.

**Warren.**

"15. *And be it enacted*, That the county of Warren shall constitute two districts: the first district to be composed of the townships of Greenwich, Franklin, Lopatcong, Phillipsburg, Harmony, Washington and Washington borough; the second district to consist of the borough of Hackettstown and townships of Belvidere, Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown and Knowlton.

**Sussex.**

"16. *And be it enacted*, That the county of Sussex shall constitute one assembly district; to be composed of the several townships therein.

**Passaic.**

"17. *And be it enacted*, That the county of Passaic shall constitute three districts: the first district to be composed of the township of Aquackanonck, the village of Passaic, and the fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the second, sixth and seventh wards of the city of Paterson, and the township of Little Falls; the third district to be composed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford.

**Bergen.**

"18. *And be it enacted*, That the county of Bergen shall constitute two districts: the first district to be composed of the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle River; the second district to be composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus and Franklin.

**Morris.**

"19. *And be it enacted*, That the county of Morris shall constitute three districts: the first to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Roxbury and Randolph.

"20. *And be it enacted*, That the county of Essex shall <sup>Essex.</sup> constitute nine districts; to remain as now composed.

"21. *And be it enacted*, That the county of Hudson shall <sup>Hudson.</sup> constitute eight districts, to be composed as follows:

"The First District: Beginning at the centre of the <sup>First district.</sup> Hudson river, where it is intersected by the centre line of Wayne street, continued; thence westerly along the said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly, to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street, thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning;

"The Second District: Beginning at the centre of the <sup>Second district.</sup> Hudson river, where it is intersected by the centre line of Wayne street, continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly, to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Morris canal; thence westerly along the centre line of Morris canal to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Corne-



lison avenue; thence northerly along the centre line of Mill road or Cornelison avenue to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of Hudson river; thence southerly along the centre line of Hudson river to the place of beginning;

**Third district.**

"The Third District: Beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning;

**Fourth district.**

"The Fourth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along



the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning;

"The Fifth District: Beginning at the point where the <sup>Fifth district.</sup> centre line of the New Jersey Railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey Railroad to the end of the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning;

"The Sixth District: Beginning at the point where the <sup>Sixth district.</sup> centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of

Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning, and also so much of the said county of Hudson as is comprised within the limits of the township of Greenville and the city of Bayonne;

**Seventh district** "The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

**Eighth district.** "The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other of the said assembly districts," be and the same is hereby revived, amended and re-enacted as amended, so as to read, and it is enacted as follows, viz:

**Assembly districts, as amended.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts equal in number to the number of members of the general assembly, which said counties are entitled to elect respectively; that is to say that the county of Cape May shall constitute one assembly district, to be composed of the several townships therein and the city of Cape May.

**Atlantic county** 2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several townships, towns and cities therein.

**Cumberland.** 3. *And be it enacted*, That the county of Cumberland shall constitute two districts: the first to be composed of the city of Bridgeton and the townships of Fairfield, Downe, Commercial, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the city of Millville and the townships of Maurice River, Landis and Deerfield.

**First district.**

**Second district.**

4. *And be it enacted*, That the county of Salem shall Salem county. constitute two districts: the first district to be composed First district. of the townships of Lower Penn's Neck, Upper Penn's Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of Salem city and the Second district. townships of Elsinboro, Mannington, Upper Alloways Creek, Lower Alloways Creek and Quinton.

5. *And be it enacted*, That the county of Gloucester shall Gloucester. constitute two districts: the first district to be composed First district. of Woodbury city and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Second district. Clayton, Glassborough, Franklin, Harrison, West Woolwich or Logan, and Woolwich.

6. *And be it enacted*, That the county of Camden shall Camden county constitute three districts: the first district to be composed First district. of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, Second district. sixth, seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware, and the borough of Merchantville; the third district to be com- Third district. posed of Gloucester city, and the townships of Centre, Union, Haddon, Gloucester, Waterford and Winslow.

7. *And be it enacted*, That the county of Burlington Burlington county. shall constitute four districts: the first district to be com- First district. posed of the townships of Bordentown, Chesterfield, New Hanover, Florence, Mansfield and Springfield; the sec- Second district. ond to be composed of the townships of Burlington, Beverly, Cinnaminson, Beverly city and Chester; the third district to be composed of the townships of Willing- Third district. boro, Pemberton, North Hampton, West Hampton, Lumberton, Mount Laurel and Evesham; the fourth district Fourth district. to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor.

8. *And be it enacted*, That the county of Ocean shall Ocean county. constitute one assembly district to be composed of the several townships therein.

9. *And be it enacted*, That the county of Mercer shall Mercer. constitute three districts: the first district to be composed First district. of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the Second district.

**Third district.** first, second, third, fourth, fifth, and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton Square, Chambersburg and the sixth ward of Trenton.

**Monmouth.** 10. *And be it enacted,* That the county of Monmouth shall constitute three districts: the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall, Matawan and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Eatontown and Raritan.

**Middlesex.** 11. *And be it enacted,* That the county of Middlesex shall constitute three districts: the first district to be composed of the city of New Brunswick; the second district to be composed of the townships of Piscataway, Raritan, Woodbridge, and the city of Perth Amboy; the third district to be composed of the townships of North Brunswick, South Brunswick, East Brunswick, Monroe, Madison, Cranbury, South Amboy and Sayreville.

**Somerset.** 12. *And be it enacted,* That the county of Somerset shall constitute two districts: the first district to be composed of the townships of Warren, Bridgewater, Bedminster, North Plainfield and Bernards; the second district to be composed of the townships of Branchburg, Montgomery, Hillsborough and Franklin.

**Hunterdon.** 13. *And be it enacted,* That the county of Hunterdon shall constitute two districts: the first district to be composed of the townships of West Amwell, East Amwell, Delaware, Raritan, Readington, Kingwood, and the city of Lambertville; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon, Holland, High Bridge and Tewksbury.

**Union.** 14. *And be it enacted,* That the county of Union shall constitute three districts: the first district to be composed of the first, second, third, fourth and eighth wards of the city of Elizabeth; the second district to be composed of the fifth, sixth and seventh wards of the city of Elizabeth, and the townships of Union, Springfield, Cranford and

Linden; the third district to be composed of the cities Third district, of Rahway and Plainfield, and the townships of Westfield, Summit, New Providence, Clark and Fanwood.

15. *And be it enacted*, That the county of Warren shall Warren. constitute two districts: the first district to be composed First district. of the townships of Greenwich, Franklin, Lopatcong, Harmony, Washington and Washington borough, and the town of Phillipsburg; the second district to consist Second district, of the boroughs of Hackettstown and Belvidere, and the townships of Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown, Allamuchy and Knowlton.

16. *And be it enacted*, That the county of Sussex shall Sussex county. constitute one assembly district, to be composed of the several townships therein.

17. *And be it enacted*, That the county of Passaic shall Passaic county. constitute three districts: the first district to be composed First district. of the township of Acquackanonk, the city of Passaic and the fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the sec- Second district, ond, sixth and seventh wards of the city of Paterson, and the township of Little Falls; the third district to be com- Third district. posed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford.

18. *And be it enacted*, That the county of Bergen shall Bergen county. constitute two districts: the first district to be composed First district. of the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle river; the second district to be Second district, composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus, Ridgewood and Franklin.

19. *And be it enacted*, That the county of Morris shall Morris county. constitute three districts: the first district to be com- First district. posed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the Second district, townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the town- Third district. ships of Passaic, Mendham, Chester, Washington, Mount Olive, Roxbury and Randolph.

20. *And be it enacted*, That the county of Essex shall Essex county. constitute nine districts: the first district to be com- First district.

- posed of the townships of Bloomfield, Montclair, Caldwell, Livingston and Milburn; the second district to be composed of the town of Orange and the townships of East Orange and West Orange; the third district to be composed of the eighth ward of the city of Newark and the townships of Belleville and Franklin; the fourth district to be composed of the first and fourth wards of the city of Newark; the fifth district to be composed of the second and sixth wards of the city of Newark; the sixth district to be composed of the thirteenth ward of the city of Newark and the townships of Clinton and South Orange; the seventh district to be composed of the third, ninth and fourteenth wards of the city of Newark; the eighth district to be composed of the fifth, tenth and twelfth wards of the city of Newark; the ninth district to be composed of the seventh, eleventh and fifteenth wards of the city of Newark.

**Hudson county.** 21. *And be it enacted,* That the county of Hudson shall constitute eight districts, to be composed as follows:

**First district.** The First District: Beginning at the centre of the Hudson river where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof; at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning;

**Second district.** The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect now Henderson street; thence northerly along the centre line of Prospect now Henderson street to the centre line of Pavonia avenue;



thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Cornelison avenue; thence northerly along the centre line of Mill road or Cornelison avenue, to the New Jersey Railroad; thence northerly across the New Jersey Railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of the Hudson river; thence southerly along the centre line of Hudson river to the place of beginning;

The Third District: Beginning at the intersection of <sup>Third district.</sup> the centre lines of Newark avenue and Prospect now Henderson street; thence northerly along the centre line of Prospect now Henderson street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre

line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning;

**Fourth district.** The Fourth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning;

**Fifth district.** The Fifth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Summit avenue formerly Bergen avenue; thence northwesterly along the centre line of said Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey Railroad to the end of the centre line of Cornelison avenue or Mill road;



thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning;

The Sixth District: Beginning at the point where the Sixth district. centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southern boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning, and also so much of said county of Hudson as is comprised within the limits of the township of Greenville and city of Bayonne.

The Seventh District: Being all that part of the county Seventh district of Hudson which is comprised within the limits of the city of Hoboken.

The Eighth District: Being all that part of the county Eighth district. of Hudson which is not comprised within the limits of any other said assembly districts.

11. *And be it enacted*, That all acts and parts of acts Repealer. inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Passed February 25, 1879.

## CHAPTER XXV.

A Further Supplement to an act entitled "An act for the relief of the national guard," approved March seventh, one thousand eight hundred and seventy-eight, and the several supplements thereto.

Persons entitled to benefits, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the widow, or minor children if there be no widow, or the widowed mother, if there be no widow or minor children, of any soldier in the national guard of this state, who actually performed service in the emergency existing in this state during the months of July and August, one thousand eight hundred and seventy-seven, shall be entitled to the benefits of the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

## CHAPTER XXVI.

An Act to compel the presentation for payment of past due improvement certificates issued by any of the cities of this state.

When interest on improvement certificates shall cease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proper financial authorities of any city in this state, in which improvement certificates are now due or hereafter may become due, may give thirty days' notice in the official paper or

papers of such city of their readiness to pay said certificates at a time and place to be specified in such notice, and that interest on said certificates will cease from and after the date fixed for presentation and payment, and upon giving such notice as aforesaid, the interest upon said certificates shall cease as above provided for.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

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## CHAPTER XXVII.

### An Act to provide for the relief of the poor.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Authorized to modify, change or unite appropriations.</sup> *the State of New Jersey*, That where separate appropriations are made for indoor and outdoor relief of the poor in any city, borough or town in this state, having twenty-five thousand inhabitants and upwards, and any one of such appropriations has been or shall be expended, or is or may be inadequate alone for either of such indoor or outdoor relief, it shall be lawful for the board of alderman or other authority of any such city, borough or town, to modify, change or unite such appropriations, and expend the same for either of such purposes; *provided, however*, that such modification, change <sup>Proviso.</sup> or union shall not authorize an expenditure in excess of the sum of the two separate appropriations.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

## CHAPTER XXVIII.

## An Act respecting taxes.

Taxes to be  
paid out of in-  
come from pro-  
perty entailed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxes assessed on entailed property, or property held in trust, or for life, shall be paid out of income from such property, or by the person or persons having the present beneficial interest therein; but in case the taxes so assessed shall be upon real estate, and the person or persons holding said real estate in trust or having a beneficial interest therein shall fail to pay the taxes, the taxes assessed or laid thereon shall be a lien on said real estate.

Approved February 26, 1879.

## CHAPTER XXIX.

Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, anno domini one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, anno domini one thousand eight hundred and seventy-five, and which reads as follows:

Section to be  
amended recited

"20. *And be it enacted*, That no joint stock insurance company formed under this act shall be organized with a smaller capital than one hundred thousand dollars or entitled to commence business until said sum is actually paid in cash; nor shall any mutual insurance company, for the purpose of marine or fire insurance, be entitled to commence business until agreements have been entered

into for insurance, the premiums on which shall amount to twenty thousand dollars, and notes have been received in advance therefor, (payable at or within twelve months from the date thereof, and thirty thousand dollars shall have been subscribed as capital stock, and actually paid in cash); such notes shall be considered a part of the capital stock of such mutual insurance company, and shall be valid and negotiable and collectable for paying any losses which may accrue, or any other lawful use or purpose," be amended to read as follows :

20. *And be it enacted*, That no joint stock insurance company formed under this act shall be organized with a smaller capital than one hundred thousand dollars, or entitled to commence business until said sum is actually paid in cash, nor shall any mutual insurance company, for the purpose of marine or fire insurance, be entitled to commence business until agreements have been entered into for insurance, the premium on which shall amount to five thousand dollars, and notes have been received in advance therefor ; such notes shall be considered a part of the capital stock of such mutual insurance company, and shall be valid and collectable for paying any losses which may accrue, or any other lawful use or purpose. Section as amended.

2 *And be it enacted*, That all acts or parts of acts inconsistent or conflicting with this act be and the same are hereby repealed Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

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## CHAPTER XXX.

A Supplement to an act entitled "An act concerning mortgages," approved March twenty-seventh, one thousand eight hundred and seventy-four, [Revision.]

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of the above entitled act, which reads as follows, viz:

Section to be  
amended recited

“10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in such suits shall be five dollars and no more,” be and the same is hereby amended so that the same shall read as follows, viz:

Section as  
amended.

10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in any such suit shall be thirty cents for each folio.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved February 26, 1879.

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## CHAPTER XXXI.

A Supplement to an act entitled “An act concerning executors and administrators of intestates’ estates,” approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which section reads as follows:

Section to be  
amended recited.

“10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given or devised by any last will, executed in due form of law to the executors therein named, or any of them, to be sold, or have been, or shall be thereby ordered to be sold by the executors therein named, or any of them, and one or more of said executors shall die, or have died in the lifetime of the testator, or, if living at the death of the testator, shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon

himself, herself or themselves the execution thereof, shall have died, or shall die, then, and in either case, the said trusts in said will shall vest in the other executor or executors in said will named, who shall prove or shall have proved said will, and in the survivor or survivors of them, unless it shall be otherwise expressed in said will; and it shall be lawful for such acting or surviving executor or executors to sell and convey the said lands, tenements and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living and joined in such sale," be and the same is hereby amended so that the section shall read:

10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given or devised by any last will, executed in due form of law to the executors therein named, or any of them, to be sold, or have been, or shall be thereby ordered to be sold by the executors therein named, or any of them, and one or more of said executors shall die, or have died in the lifetime of the testator, or, if living at the death of the testator, shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon himself, herself or themselves the execution thereof shall have died, or shall die, or resign, or have resigned their executorship, or remove, or have removed out of this state, and refused to act, then, and in either case, the said trusts in said will shall vest in the other executor or executors in said will named, who shall prove or shall have proved said will, and in the survivor or survivors of them, unless it shall be otherwise expressed in said will; and it shall be lawful for such acting or surviving executor or executors to sell and convey the said lands, tenements and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living or acted and joined in such sale.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

## CHAPTER XXXII.

An Act to provide for the full payment of the fixed annual salaries of police officers in certain cities.

Authorized to  
make or fix ap-  
propriations for  
payment of  
police officers.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, having a board having the control and management of the police department, the officers and members of which shall not have received their full annual salaries as fixed by said board at the commencement of the fiscal year, or prior thereto, but only a portion thereof, it shall be lawful for the board of finance and taxation, or other board possessing the power and authority to make or fix appropriations for the payment of salaries of such officials, to order, direct and provide for the full payment of said salaries; *provided, however*, that the payments to be made under and by virtue of this act shall not in any case exceed ten days' salary, and the board last before named, are hereby empowered and directed to borrow, in anticipation of taxes next to be levied in any such city after the passage of this act, or raise in any such other manner as may be legal, sufficient money to pay the salaries before named, and the requisite sum, not exceeding ten the days' salary before mentioned, shall be put in the tax levy next thereafter.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.



## CHAPTER XXXIII.

A Supplement to an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight, which reads as follows :

"6. *And be it enacted*, That the members of said board of direction, before entering upon the duties of their office shall respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the state of New Jersey, and to perform the duties of their office with fidelity," be and the same is hereby amended so as to read as follows :

6. *And be it enacted*, That the pursuers elected by the board of direction shall before entering upon the duties of their office, respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the state of New Jersey, and to perform the duties of their office with fidelity.

2. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 26, 1879.

## CHAPTER XXXIV.

An Act entitled "An act to regulate the election of judges, inspectors and clerks of elections in cities, towns and townships."

Member of police force not to be an election officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall, hereafter, be unlawful for any member of the regular police force in any city, town, or township of this state to hold the office of judge, inspector or clerk at any general or special election in this state.

Office of judge, inspector or clerk declared vacant.

2. *And be it enacted*, That if any such person, a member of the regular police force in any city, town or township of this state now holds by election or appointment any such office of judge, inspector or clerk of elections, the same is hereby declared vacant; and that any vacancy caused by the provisions of this act shall be filled on the morning of election by the qualified voters assembled at such time and polling places where the said vacancies may exist; and the person or persons receiving the largest number of votes for any office so made vacant, shall be declared elected to the same.

Vacancy, how filled.

Judge of election to fill vacancies.

3. *And be it enacted*, That the inspector of election, who was elected at the last annual charter election and qualified as such, shall act as judge of the election to fill all vacancies occurring by virtue of the proceedings of this act, and a true statement of the result of such election shall be made under oath by said inspector to the clerk of the city, town or township where such election occurs, who shall file the same in his office as an official paper.

Provisions of act to apply to judge, inspector or clerk selected from police force.

4. *And be it enacted*, That the provisions of this act shall not interfere with those of any previous act, except as refers to any member of a regular police force in this state, who now holds or might hereafter be elected to the office of judge, inspector or clerk of elections.

5. *And be it enacted*, That all laws or parts of laws in- <sup>Repealer.</sup> consistent with any provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved February 26, 1879.

## CHAPTER XXXV.

A Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and seventy-four of said act, and which reads as follows:

"174. *And be it enacted*, That whenever there shall occur any vacancy, from any cause, in the office of judge or inspec- <sup>Section to be amended recit-  
ed.</sup> tor of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party," be amended so as to read as follows:

174. *And be it enacted*, That whenever there shall occur any vacancy from any cause, in the office of judge, in- <sup>Section as amended.</sup> spector or clerk of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party.

Approved February 27, 1879.

## CHAPTER XXXVI.

An Act respecting foundries and machine companies.

Majority of  
directors not  
required to be  
residents of  
this state.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any foundry and machine companies have been organized under any law of this state and are carrying on the foundry and machine business, it shall not be necessary, from and after the passage of this act, that a majority of the directors of such company be residents of this state; *provided*, that at least one of said directors be resident within this state.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

## CHAPTER XXXVII.

An Act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state.

Payment for  
publication of  
official minutes  
authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the minutes and proceedings of the municipal boards of which were authorized by act of the legislature, to be published and the official newspapers for such publica-

tion were to be designated by one or more of said boards, if the said board or boards or any or either of them so having the right to designate as aforesaid, shall have designated a newspaper or newspapers as official to publish all legal notices required by the city charter, and the newspaper or newspapers so designated shall have published the official minutes or proceedings of said board or boards, although not designated as official newspapers for that especial purpose, said newspaper or newspapers having been designated as official to publish the minutes and official proceedings previously to the designation to publish said legal notices, and having published said previous minutes and official proceedings and received compensation for such publication, it shall be lawful for the proprietor or proprietors of said official newspaper or newspapers to receive and recover from the city, the board or boards of which shall have made the designation to publish all legal notices as aforesaid, compensation for the publication of said official minutes and proceedings subsequent to said designation, according to the rates fixed by said board or boards for such publication, or paid by them to such newspaper or newspapers as were especially designated for that purpose; *provided*, that the provisions of this act shall not apply, except in cities of this state having over fifty thousand inhabitants at the last state census. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

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## CHAPTER XXXVIII.

An Act to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and fifty-ninth section of the act, of which this is amendatory, and which is in the following words:

Section to be  
amended recit-  
ed.

“159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans’ court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery; which examinations shall be taken on ten days’ notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney; and either of the parties may, in person or by his attorney, be present and examine and cross-examine such witnesses; and the examination so taken shall be of the like force and effect as if taken in the orphans’ court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions,” be and the same is hereby amended to read and be in the following words:

Section as  
amended.

159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans’ court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery, which examinations shall be taken on ten days’ notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney, and either of the parties may, in person or by his attorney, be present and examine and cross-examine the witnesses testifying at such examinations; and the examination so taken shall be of the like force and effect as if taken in the orphans’ court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions; but in any particular cause it shall be lawful for the president judge of said court, with the written approval of the justice of the supreme court holding the circuit in that county, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined in that particular cause, for the use of the court, and the parties in the cause, and to fix, allow and tax the fees and

Amendment.

compensation of such reporter for taking down and writing out such evidence, and to apportion the same between the parties in the same manner as the fees of examiners are apportioned ; and each party shall forthwith pay the part so apportioned to him, which shall be a part of the taxable costs in the cause.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

## CHAPTER XLIII.

### An Act concerning veteran associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any lawfully organized association of veterans from the late war in this state shall apply to the governor for the temporary loan of camp and garrison equipage, ordnance or other military stores, for any purpose whatsoever, not in conflict or violation of the peace of the laws of this state, or the laws of the United States, the governor shall examine into such application, and upon finding it a just and proper demand he shall have the power to order and authorize the issue of the stores asked for in the application; *provided, however*, the applicants be required to furnish good and sufficient bonds for the value of the stores issued, which bond shall first be approved by the governor, and to remain on file in the office of the quartermaster general of the state.

Governor  
authorized to  
issue military  
stores.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall be deemed a public act, and go into effect immediately.

Approved February 27, 1879.

## CHAPTER XLIV.

An Act authorizing the issue of bonds to fund the floating debt of counties.

Bonds, how  
executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state, for the purpose of funding the floating debt that existed under authority of law on the first day of January, one thousand eight hundred and seventy-nine, in any of the counties, for that purpose to issue bonds in the corporate name, and under the corporate seal of any such county, signed by the director and the clerk of the board of chosen freeholders of any such county, and countersigned by the county collector of any such county, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such county on the first day of January, one thousand eight hundred and seventy-nine, such bonds to be registered or coupon bonds, and shall bear a rate of interest not exceeding the legal rate at the date of issuing the same, payable half-yearly, and shall be redeemable at any time and in such installments, not exceeding fifteen years from their date, at any place within this state as the board of chosen freeholders may direct; which bonds may be sold at public or private sale for the best price they can obtain for the same; but shall not be for less than the par value; and all the real estate and property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

When redeem-  
able.

Not to be sold  
for less than  
par value.

Payment to be  
provided for by  
taxation.

2. *And be it enacted*, That the boards of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall yearly and



every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

3. *And be it enacted*, That this act shall only apply to such counties within this state which, according to the last census, had a population of less than forty thousand inhabitants. Act to apply to certain counties.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

## CHAPTER XLV.

An Act appointing a commission to draft a system of general laws for the government of municipalities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall nominate, and by and with the advice and consent of the senate shall appoint five judicious and competent persons commissioners to prepare a system of general laws for the government of municipalities heretofore or hereafter incorporated in this state, and to report the same to the legislature in January next. Appointment of Commissioners.

2. *And be it enacted*, That the said commissioners shall have authority to employ such assistance as they may deem necessary in the prosecution of their work, and the members and employes shall receive such compensation as the governor, the comptroller and the treasurer of the state shall deem just and proper, which shall be paid by Commissioners may employ assistance. Compensation to be paid.

the treasurer on the warrant of the comptroller, together with the necessary expenses of such commissioners.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 27, 1879.

## CHAPTER XLVI.

A Supplement to the act entitled "An act concerning public road boards," approved April twenty-first one thousand eight hundred and seventy-six.

Vacancies in board of commissioners, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all vacancies hereafter occurring by death, resignation, or any other cause whatever, in the board of commissioners of any public road board, lawfully created and existing in and for any county of this state (prior to the passage of the act to which this is a supplement, and not governed by the provisions of said act), shall be filled only by election or appointment, to be made by the board of chosen freeholders of such county, from the members of such board of chosen freeholders, for the time being, which persons so elected or appointed, shall continue in office as commissioners only during the term for which they shall have been elected such chosen freeholders, but shall be subject to removal at the pleasure of such board of chosen freeholders, and shall receive such compensation per diem (in lieu of salary), as chosen freeholders are entitled by law to receive; *provided*, that no more than three of the members of said public road board shall be of the same political party.

Proviso.

Previous consent of freeholders to be had for opening roads or avenues, &c.

2. *And be it enacted*, That no roads or avenues, or sections thereof, shall hereafter be laid out, constructed, or appropriated by any of the public road boards

mentioned in the first section of this act, without the previous consent of the board of chosen freeholders of the county wherein said road or avenue may be.

3. *And be it enacted*, That no expense shall hereafter be incurred by any of the public road boards mentioned in the first section of this act, for repairs to any existing road or avenue, without the previous order or consent of the board of chosen freeholders of the county wherein such road or avenue is situate. Expense not to be incurred.

4. *And be it enacted*, That the said public road boards shall make reports in writing of their receipts and disbursements in detail, to the directors of the boards of chosen freeholders, whenever and as often as required by the last mentioned boards. Reports of receipts and disbursements to be made in detail.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions hereof, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 4, 1879.

## CHAPTER XLVII.

A Further Supplement to an act entitled "An act to incorporate societies for the promotion of learning," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section to the supplement to the act above-mentioned, approved March first, one thousand eight hundred and fifty, and which is in these words:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey annual conference of the Methodist Episcopal church are hereby authorized and empowered, when in Section to be amended recited.

conference assembled, to found any institution or institutions in this state, whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they are hereby further authorized and empowered, from time to time, to elect, from their own body or other, wise (with power at any time to fill vacancies), any number of persons, not exceeding eighteen, nor less than nine as trustees of such institution or institutions, who shall be divided into three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected every year; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name and law, to all intents and purposes forever, by whatever name the trustees, elected as aforesaid, shall take and assume in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession," shall be amended so that the same shall read as follows:

Section a  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey conference of the Methodist Episcopal church may as heretofore authorized, or together with the members of the Philadelphia conference of the Methodist Episcopal church, and they are hereby authorized and empowered, when in their respective conferences assembled, to found any institution, or organize any institutions already founded in this state, whose object shall be the promotion of learning, and for that purpose, when assembled as aforesaid, they, and each of them, are hereby authorized and empowered, from time to time, to elect from their respective bodies or otherwise (with power at any time to fill vacancies), any number of persons, not exceeding eighteen from each conference, nor less than nine from each conference, as trustees of such institution or institutions, which said trustees shall be divided in three classes, of which the first shall remain in office one year, the second two years, and the third three years, so that one class may be elected by their respective conferences every year; which said trustees and their successors are hereby constituted a body politic and corporate, in fact, name and law, to all intents and purposes forever, by whatever

name the trustees elected by the two conferences aforesaid shall take and assume, in the manner specified in the second section of the act to which this is a supplement, and by that name they shall have perpetual succession.

2. *And be it enacted*, That the second section to the supplement to the act above mentioned, which is in these words:

“2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors, to lay before the New Jersey annual conference of the Methodist Episcopal church, at each and every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees,” shall be amended so that the same shall read as follows:

Section to be amended recited.

2. *And be it enacted*, That it shall be the duty of the aforesaid trustees and their successors, to lay before the New Jersey annual conference of the Methodist Episcopal church, and the Philadelphia annual conference of the Methodist Episcopal church, respectively, at each and every annual meeting thereof, the state of the institution, the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees.

Section as amended.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

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## CHAPTER XLVIII.

A Supplement to an act entitled “An act to establish a uniform standard of weights and measures in this state and to provide for the appointment of a state superintendent and inspector of the same,” approved March twenty-fifth, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to which this is a supplement and which reads as follows:

Section to be amended recited.

"17. *And be it enacted*, That the bushel of wheat of this state shall consist of sixty pounds; of rye or Indian corn, of fifty-six pounds; of buckwheat, fifty pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax-seed, fifty-five pounds; of clover-seed, sixty-four pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds; rated by the standard pound avoirdupois weight," be and the same is hereby amended so as to read as follows:

Section as amended.

17. *And be it enacted*, That the bushel of wheat in this state shall consist of sixty pounds; of rye or Indian corn, of fifty-six pounds; of buckwheat, forty-eight pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax-seed, fifty-five pounds; of clover-seed, sixty-four pounds; of timothy-seed, forty-five pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds; rated by the standard pound of avoirdupois weight.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

## CHAPTER XLIX.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any inventory and valuation or list of creditors and statement of claims filed by an assignee, verified by oath taken before any foreign commissioner of deeds for New Jersey, or by any other officer qualified by the laws of this state to administer oaths and affirmations, shall be deemed to have been sufficiently proved, although such oath was not taken before the surrogate. When inventory, list of creditors &c., filed by an assignee shall be deemed to have been sufficiently proved.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

## CHAPTER LI.

An Act to provide for the organization of fire-patrol, or protective associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state, it shall be lawful to organize a fire-patrol, or protective association, for the purpose of saving life and property Organization, how effected.

from destruction by fire, which organization shall be effected at a meeting to be held for the purpose, and upon notice of the time and place of said meeting, which notice shall be published, not less than ten days, in a daily newspaper published in said city, and shall be signed by not less than three persons, who shall be officers of fire insurance companies in said city; at such meeting, for the purpose of organization, it shall be lawful for any fire insurance company in said city to be represented by an officer; and said officers, shall have the right to participate in said meeting, and to vote therein; *provided, however,* that in case there shall be less than three fire insurance companies having their home offices located in such city, it shall be lawful for the officers of the company or companies located in such city together with the duly accredited agents of fire insurance companies located elsewhere, but doing business in such city, to hold a meeting and effect an incorporation, and to give notice thereof in the manner herein above set forth; the whole number of such officers and agents together being not less than three.

Proviso.

Certificate of organization.

2. *And be it enacted,* That it shall be lawful for the persons so assembled, or any number thereof, not less than three, to make and sign a certificate, which shall set forth the general purposes of the organization, the period for which the association is to continue, not to exceed fifty years, and the particular name by which said association is to be known; and such certificate shall be sealed and acknowledged by the persons signing the same, before some officer authorized to take the proof and acknowledgment of deeds in New Jersey; and shall be filed and recorded in the office of the clerk of the county wherein such city is located; whereupon the persons so signing and acknowledging shall become and be incorporated by the name so chosen, as a body corporate in law; and they, and their successors, and all who shall become associated with them, shall, as such corporation, become possessed of the rights and privileges, and be liable to the duties of corporations of this state, as set forth in the general acts respecting corporations.

To be recorded in office of county clerk.

To have corporate rights and privileges.

May make by-laws.

3. *And be it enacted,* That the said corporation shall have power to make all needful by-laws, not contrary to



the provisions of this act, or the constitution and laws of this state, or of the United States.

4. *And be it enacted*, That said corporations shall have General proviso power to provide suitable rooms for the transaction of their business, and also to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires; with suitable apparatus to save life and preserve property, at or after a fire; and the better to enable them so to act with promptness and efficiency, full power is hereby granted to such corps, and its officers, to enter any building on fire, or which in their judgment is exposed to or in danger of taking fire from other burning buildings, to protect and save life and property therein; and to remove such property or any part thereof, at or after a fire; nothing in this act, however shall warrant any interference with the action of the firemen in their duties in extinguishing a fire; nor shall this act in any way be construed to justify the owners of any building or personal property in the abandonment of their property.

5. *And be it enacted*, That in each year after the formation Annual meetings to be held. of such corps, an annual meeting of the corporation shall be held, on ten days' notice, in one or more papers in such city, giving date, time, and place of such meeting, at which meeting each incorporated insurance company or association doing business in said city, whether its officers or its agents be members of this corporation or not, shall have the right to be represented by one of such Who may vote. officers or agents, and each organization represented at such meeting shall be entitled to one vote for every one thousand dollars gross premium receipts from insurance on property located in such city, for the year ending December thirty-first next preceding; a majority of the whole number of votes cast shall decide upon the question of sustaining the corps hereinbefore mentioned, and of fixing the maximum amount of expenses which shall Majority of votes to decide amount of expenses to be incurred &c. be incurred therefor during the fiscal year next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to said corporation, and upon all other organizations and agencies doing business in such city, in proportion to the several amounts of premiums returned,

as received by each, under oath, as hereinafter provided; and such assessment shall be collectible by said corporation in any court of law of competent jurisdiction in the state of New Jersey.

**Mode of providing for the payment of persons employed.**

6. *And be it enacted*, That to provide for the payment of persons employed, and to maintain the apparatus for saving life and property, provided in pursuance hereof, any corporation organized under this act is empowered to require a statement to be furnished, semi-annually, by all corporations, associations, underwriters, agents or persons, of the aggregate amount of premiums received for insuring property in the said cities for and during the six months next preceding the thirtieth day of June and the thirty-first day of December of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said cities, and shall be handed to the treasurer of said corporation within thirty days after the dates to which such returns are to be made.

**Proceedings in case of failure to furnish statement.**

7. *And be it enacted*, That it shall be lawful for the treasurer or other appointed officer of said corporation, within ten days after the first day of July and the first day of January in each year, by written or printed demand signed by him, to require from every corporation, association, underwriter, agent, or person engaged in the business of fire insurance in the said cities, the statement provided for in the last preceding section of this act; and every officer of such corporation or association, and every individual, agent, or underwriter who shall for thirty days after such demand neglect to render the account, shall forfeit fifty dollars for the use of the corporation created by this act; and shall also forfeit for their use, five dollars in addition for every day he shall so neglect after the expiration of said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered with costs of suit in any court of competent jurisdiction within this state.

**Penalty.**

**Right of way.**

8. *And be it enacted*, That the officers and men of said fire-patrol or protective association, with their teams and

apparatus, shall have the right of way, while going to a fire, through any street, lane or alley in the said cities, subject to the rights of the fire departments, and any violation of the rights of the said fire-patrol or protective association shall be punished in the same manner as is provided for the punishment of violations of the rights of the fire departments of said cities.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

## CHAPTER LII.

A Further Supplement to an act to secure to mechanics and others payment for their labor and materials in erecting any building, approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, it is the practice of owners of lots or tracts of land to dispose of the same to a builder or builders, taking therefor a mortgage or mortgages in excess of the purchase money price of said lot or tract of land, the mortgagee agreeing to pay such excess to the aforesaid builders from time to time as the building or buildings progress, such mortgages being known as advance money mortgages; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all such transactions the building or buildings so erected shall be liable for the payment of any debt contracted and owing to any person or persons for labor performed or materials furnished for the erection and construction thereof, which debt shall be a lien on such building or buildings and on the land whereon they stand, including the lot or curtilege

*Lien for labor or materials &c. to be a prior lien, &c.*

Proviso.

whereon the same are erected, and that the lien for labor performed or materials furnished for the erection and construction of any such building or buildings shall be a prior lien to the lien of any mortgage created on such building or buildings and lot or tract of ground to secure either in whole or in part any advances in money to be used in and about the construction of such building or buildings (except only so much of the amount of said mortgage as shall be for the purchase money of the lot or tract of land whereon the said building or buildings shall be erected); *provided*, that nothing in this act shall interfere with a mortgage or mortgages to secure bona fide loans of money not advances as aforesaid, such bona fide loans to be paid in full, anything in this act to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

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### CHAPTER LIII.

An Act to amend an act entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' approved April second, one thousand eight hundred and seventy-three," approved February nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, as amended by the act entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' approved April second, one-

thousand eight hundred and seventy-three," approved February nineteenth, one thousand eight hundred and seventy-eight, and which amended section is as follows:

"2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state, until at least two thousand dollars of stock for every mile of railroad proposed to be made, is subscribed thereto and paid in good faith, and in cash, to the directors named in articles of said association; nor until the said directors shall have deposited the said moneys so subscribed and paid to them, with the treasurer of the state of New Jersey, who shall be the custodian of the same, and shall hold the same subject to be repaid to the directors of the said company, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the said company have expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed and paid in cash as aforesaid, and that it is intended in good faith to construct, or to maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid; *provided*, that the articles of association heretofore filed in the office of the secretary of state, pursuant to the terms of the act to which this act is amendatory, by any corporation which shall not at the date of the passage of this act have fully completed at least three miles of their proposed railroad, as located and filed in the office of the secretary of the state, shall be absolutely null and void, and of no effect whatsoever, and the corporate powers vested in such corporation by the filing of such articles shall become extinct, and such corporation shall become *ipso facto* dissolved, unless such corporation shall, within twenty days after the passage of this act, fully comply with the terms thereof; *provided*, nevertheless, that such corporations organized under the act to which this is amendatory, as shall have completed at the date of the passage of this act more than three

Section to be  
amended re-  
cited.

miles of their said railroad as originally located, shall continue to exist for the sole purpose of maintaining and operating the said completed portion of their said road, and of exercising all the powers and franchises necessary to the maintenance and operation thereof, but for no other purpose whatsoever, without complying with the requirements of this act," shall be, and hereby is amended, so that the said section shall read as follows:

Section as  
amended.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least two thousand dollars of stock for every mile of railroad proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the said directors shall have deposited the said money so subscribed and paid to them with the treasurer of the state of New Jersey, who shall be the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said company, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the said company have expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed and paid in cash as aforesaid, and that it is intended in good faith to construct or to maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid; *provided*, that the articles of association heretofore filed in the office of the secretary of state, pursuant to the terms of the act to which this act is amendatory, by any corporation which shall not, at the date of the passage of this act, have fully completed at least three miles of their proposed railroad, as located and filed in the office of the secretary of state, shall be absolutely null and void, and of no effect whatsoever, and the corporate powers vested in such corporation by the filing of such articles shall become extinct, and such corporations shall become *ipso facto*

Proviso.

dissolved, unless such corporation shall, within twenty days after the passage of this act fully comply with the terms thereof; *provided*, that such corporations, heretofore organized under the general railroad laws of this state, as have complied with the provisions of said section two of said act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, as the same were before amendment, and the total length of whose road as shown by the filed survey in the office of the secretary of state shall be less than three miles, shall have until the first day of July, one thousand eight hundred and seventy-nine, in which to comply with the further provisions of said section two of said act, as amended by this act, and two years from said first day of July is hereby allowed to such corporations for the completion of their said roads, and all the rights and privileges existing and belonging to said corporations, at the time of the passage of the said act, to which this is an amendment, approved April second, one thousand eight hundred and seventy-three, are hereby restored and confirmed to the said corporations; *provided nevertheless*, that such corporations, organized under the act to which this is amendatory, as shall have completed, at the date of the passage of this act, more than three miles of their said railroad, as originally located, shall continue to exist for the sole purpose of maintaining and operating the said completed portion of their said railroad, and of exercising all the powers and franchises necessary to the maintenance and operation thereof, but for no other purpose whatsoever, without complying with the requirements of this act. Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and they are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 4, 1879.



## CHAPTER LIV.

## An Act relative to morgues and morgue keepers.

Judges of courts  
to designate  
place or places  
as a public  
morgue, &c.

Proviso.

Appointment  
of keepers.

Fees and ex-  
penses, how  
paid.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the judges of the court of common pleas of the several counties of this state, when they shall by a majority vote so determine, to designate a place or places of proper character, and furnished with sufficient accommodation and appliances, as a public morgue or morgues for said county, not to exceed three in number in any county; in designating such place or places, they shall first select the city or cities within the county, and afterwards such other place or places as in their opinion may be necessary; *provided*, that this act shall apply only to such counties as have within their limits a city or cities of more than twenty thousand inhabitants by the last state census.

2. *And be it enacted*, That said judges of the court of common pleas shall have power to appoint a keeper or keepers for said morgue or morgues for a term of three years from the date of their appointment, and to define their respective districts, which keepers shall be required to take in charge the unknown dead in their respective districts in said counties; to furnish, free of charge, suitable rooms for the holding of all inquests, should they be deemed necessary, and to make such disposal of the bodies as the proper authorities may direct.

3. *And be it enacted*, That the fees and expenses of the said morgue keepers, for the recovery and care of the bodies of the unknown dead, be fixed by the respective boards of chosen freeholders and paid by the county collectors on bills duly passed by said boards of chosen freeholders; *and provided further*, that no more than the legal fees for the burial of such bodies shall in any case be allowed.



4. *And be it enacted*, That this act shall take effect <sup>Repealer.</sup> immediately, and that any act or part of act inconsistent with the provisions of this act be and is hereby repealed.

Approved March 4, 1879.

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## CHAPTER LVII.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every county in this state, containing not less than twenty-five thousand nor more than eighty thousand inhabitants, as ascertained by the last state census, the persons legally qualified to vote at town and municipal elections, in the several townships and cities thereof, shall hereafter elect for each township in said counties but one chosen freeholder, and for each city or ward in said counties the same number of chosen freeholders as the inhabitants of the said cities or wards, respectively, are now authorized by law to elect; and the chosen freeholders so elected in each of said counties shall constitute "the board of chosen freeholders" in and for the same. <sup>Election of Chosen Freeholders, number that shall be elected.</sup>

2. *And be it enacted*, That from and after the passage of this act, the chosen freeholders to be elected in the several cities, wards, and townships in the said counties, shall be elected at the same time, for the like term, and in the same manner as chosen freeholders are now elected therein, respectively; and they shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as other chosen freeholders in this state. <sup>Manner of election.</sup>

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 4, 1879.

## CHAPTER LVIII.

An Act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same.

Township committee to make rules, &c., for licensing hacks, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships of this state having a population of more than four thousand inhabitants, and in which the county seat of any county may be located, the township committee of said township shall have power within the limits of said township to make rules and regulations for licensing and regulating hacks, cabs, omnibus, stages, carriages, and vehicles used for the transportation of passengers, and to fix the license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen.

May prescribe penalties.

2. *And be it enacted*, That in all townships aforesaid the township committee thereof may prescribe a penalty or penalties for the violation of this act, either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding twenty dollars, and any justice of the peace of said township shall have jurisdiction of such cases, and may give judgment and issue execution for the collection of such fine or fines to be levied on any personal property of such person or persons fined as aforesaid, directed to any constable of the county in which said township is situate, which execution shall be levied, executed and returned in the same manner as executions

in other cases, or in case of sentence to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

3. *And be it enacted*, That it shall not be lawful for the township committee of said township to require a license from any person or persons owning any hack, omnibus, stage, carriage or vehicle, who is a resident and taxpayer in said county in which said township is situate. Resident and taxpayer not bequired to have license.

4. *And be it enacted*, That this act shall not apply to any of the incorporated cities or towns of this state. Not to apply.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1879.

## CHAPTER LX.

An Act to repeal an act entitled "A further supplement to the act entitled 'An act concerning roads,'" approved April fifth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to the act entitled 'An act concerning roads,'" which further supplement was approved April fifth, anno domini one thousand eight hundred and seventy-one, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

## CHAPTER LXI.

An Act to enable boards of education of cities to refund their indebtedness at a lower rate of interest.

Board of education may issue bonds.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any board of education in any city, to issue bonds at any rate of interest not exceeding six per centum per annum, for the purpose of paying off and discharging its present indebtedness, which said bonds shall be issued in such amounts, and the principal and interest payable at such times, and in such manner as the said board of education may determine; *provided*, that the total amount of said bonds for any one board of education shall not exceed the sum of one hundred and thirty thousand dollars, and that they shall not be issued or used for any purpose whatsoever, except the redemption of outstanding mortgages and bonds already issued by such board of education prior to the passage of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

## CHAPTER LXII.

Supplement to an act entitled "An act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city, the representative authority of each borough in this state, to transmit to the comptroller of the treasury, on or before the thirty-first day of October in each year, a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, on the first day of October next preceding, giving the funded and floating debt, with the purposes for which contracted, rates of interest, time when the debts fall due, nature and condition of the sinking funds, if any, annual expenses of every kind, rate of tax and amount raised, and it shall be the duty of the comptroller to submit the results to the legislature in a properly tabulated form.

Board of chosen freeholders to make annual statements to state comptroller.

2. *And be it enacted*, That if any of the said officers shall neglect or refuse to furnish or transmit the statement as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars.

Penalty for refusal to furnish statement.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 6, 1879.

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## CHAPTER LXIII.

A Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, the provisions heretofore in force relative to the advertisement of sales of lands have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective or uncertain;

Sales of real estate not to be invalidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of real estate heretofore made shall be invalidated by reason of any advertisement of such sale having been inserted in only one newspaper, or by reason of any advertisement of such sale having been commenced during the fourth week prior to such sale, instead of four full weeks prior thereto, or by reason of any paper in which any advertisement of such sale was inserted not having been one of the papers at the time designated for the publication of the laws, or by reason of any omission to advertise any adjournment of sale, or any irregularity in the advertisement of any adjournment of sale, but the purchaser of any such real estate having paid the price thereof and received his deed shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly advertised.

Approved March 6, 1879.

## CHAPTER LXIV.

A Further Supplement to an act entitled "An act concerning corporations," [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Number of shares of stock may be increased by subdividing the amount and par value of each share.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company or association organized under the act to which this is a supplement, or otherwise may increase the number of its shares of stock by sub-dividing the amount of each share, including therein as well the par value thereof, as also any

assessments actually paid in thereon, into shares of such equal par value as it may agree on, by filing in the office of the secretary of state, the assent in writing of stockholders representing two-thirds in value of the capital stock for the time being, and also a certificate under the hands and seals of said stockholders or their legal representatives, stating the par value at which it is proposed to fix said shares which certificate shall be proved or acknowledged and recorded as required of deeds of real estate, in the book kept for recording corporation certificates, in the office of the clerk of the county, where the principal office or place of business of such company in this state shall be established and after being so recorded shall be filed in the office of the secretary of state, and the certificate of the secretary of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of such sub-division of said shares and alteration of their par value in any court of this state; *provided, however*, that such assent and certificate shall be filed as aforesaid, within thirty days after the execution of the same by said stockholders; *and provided further*, that in no case shall the capital stock of any such company filing such certificate and assent be increased thereby beyond the amount limited in its charter or certificate of organization, except in the manner now provided by the act to which this is a supplement. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

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## CHAPTER LXV.

### An Act for the better protection of sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly* Bonds to be re-  
*of the State of New Jersey*, That hereafter all bonds required corded.

by law to be taken by any sheriff of this state shall be recorded in the clerk's office of the several counties, in a book to be provided and kept in said clerk's office for that purpose, and upon being so recorded, shall have the force and effect of a recognizance; and that copies of said bonds duly certified by said clerks under seal of office, shall be received as evidence in any court of this state, and be as good and available in law as if the original bonds were then and there produced and proved.

Clerk to enter discharge when conditions of bond have been complied with.

2. *And be it enacted*, That upon satisfactory proof before any court in which the suit wherein the said bond has been taken is pending, that the conditions of said bond have been fully complied with, it shall be the duty of said court to order the clerk thereof to enter the same discharged in the book kept by the clerk for recording the same.

3. *And be it enacted*. That this act shall take effect immediately.

Approved March 6, 1879.

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## CHAPTER LXVI.

An Act to provide means to increase the fish production of the waters of this state.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of five thousand dollars, which shall be paid by the state treasurer on the warrant of the comptroller, to the commissioners of fisheries of this state, upon their requisition, to be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to



restore and increase the fish production of the waters of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1879.

## CHAPTER LXVIII.

An Act respecting the fees of county clerks and registers of deeds and mortgages in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the respective counties in this state shall be entitled to demand and receive, for the services hereinafter mentioned, the following fees and no more :

FOR SERVICES AS CLERK OF THE SUPREME COURT CIRCUIT Fees of clerk of  
supreme court.  
IN CIVIL CASES :

For entering every action,	eight cents ;
filing every nisi prius record,	eight cents ;
entering every non-suit and rule,	eight cents ;
every copy of a rule,	five cents ;
filing every venire or distringas,	
and return,	five cents ;
entering every appearance or default,	eight cents ;
entering confession of lease, entry	
and ouster,	ten cents ;
calling and swearing a jury,	twenty cents ;
swearing each witness,	five cents ;
filing every bill of exceptions,	five cents ;
a copy thereof, for each sheet,	six cents ;
swearing a constable to attend a	
jury,	six cents ;

• taking and entering a general verdict,	fifteen cents;
entering in the minutes every special verdict or demurrer to evidence, for each sheet,	eight cents;
copy thereof, for each sheet,	five cents;
drawing postea, when a general verdict is found,	fifty cents;
drawing postea in case of a special verdict or demurrer to evidence, for each sheet,	five cents;
docketing judgment in the supreme court,	forty cents;
taxing every bill of costs,	thirty-five cents;

**\*Clerk of circuit. FOR SERVICES AS CLERK OF THE CIRCUIT COURT IN FORECLOSURE CASES :**

The same fees as are or may be by law allowed to the clerk in chancery for like services.

**\*Clerk of common pleas. FOR SERVICES AS CLERK OF THE COURT OF COMMON PLEAS :**

For drawing every summons, capias or other process, if he shall do it,	twenty cents;
sealing every writ,	ten cents;
entering every action,	six cents;
entering an appearance or default,	eight cents;
entering the return of a writ,	eight cents;
entering every rule of court,	eight cents;
a copy thereof, when required,	six cents;
filing every writ, declaration, pleading or other paper,	five cents;
entering every retraxit, discontinuance or non-suit,	eight cents;
reading every petition and entering order thereon,	ten cents;
every copy of such order,	eight cents;
calling and swearing a jury,	fifteen cents;
swearing each witness,	five cents;
swearing constable to attend jury,	five cents;

taking and entering a general verdict,	five cents;
entering judgment,	five cents;
docketing judgment in the supreme court,	forty cents;
entering every special verdict or demurrer to evidence, for each sheet,	eight cents;
copy thereof, for each sheet,	five cents;
copies of writs, declarations, pleadings; records and other papers, for each sheet,	five cents;
entering satisfaction on record,	ten cents;
reading and entering every allowance of a writ of error, habeas corpus or other writ requiring an allowance, and returning the same,	thirty cents;
entering deeds and conveyances or schedules on the record, for each sheet,	five cents;
For all services upon the first application of an alien, including the oath or affirmation of such alien of his intention to become a citizen of the United States, the record and certificate thereof, delivered to such alien,	twenty cents;
all services upon the completion of the proceedings necessary for any alien to become a citizen of the United States, including the record thereof, and a certified copy to be delivered to any person demanding the same,	forty-five cents;
For drawing and filing recognizance, drawing license and affixing thereto the seal of the court, and making entry in the minutes of such license, in the matter of application for license for an inn	

or tavern, or for the sale of malt,  
 vinous or spiritous liquors, one dollar and fifty cents;  
 services in the renewal of such  
 license, one dollar and fifty cents;

**On appeals. ON ALL APPEALS HEARD AND DETERMINED IN THE COURT  
 OF COMMON PLEAS:**

For entering action and filing bond and  
 transcript, forty cents;  
 every subpoena, ten cents;  
 entering judgment, ten cents;  
 swearing each witness, five cents;  
 entering every order or rule of  
 court, or of a judge, ten cents;  
 every execution, twenty-five cents;  
 entering and filing every execu-  
 tion, fifteen cents;  
 calling and swearing a jury, fifteen cents;  
 taking and entering verdict, ten cents;  
 docketing judgment, and filing  
 transcript and affidavit, fifty cents;

**On petition of insolvent debtors. FOR SERVICES IN PROCEEDINGS ON PETITION OF INSOL-  
 VENT DEBTORS:**

For filing and reading petition and  
 schedule, fifteen cents;  
 administering every oath or affir-  
 mation, five cents;  
 drawing up assignment and dis-  
 charge, thirty cents;  
 filing and recording the same, forty cents;  
 certificate under seal of office, twenty cents;

**Applications for roads. FOR SERVICES IN THE MATTER OF APPLICATIONS FOR  
 ROADS:**

For reading and filing every applica-  
 tion, ten cents;

entering and filing caveat,	ten cents;
entering every order for recording,	ten cents;
every copy thereof,	ten cents;
recording and filing returns of surveyors and freeholders, for each sheet of one hundred words,	ten cents;
copy of such returns, for each sheet,	eight cents;
taxing bill of costs in any proceedings in the court of common pleas,	thirty-five cents;

FOR SERVICES AS CLERK OF THE CIRCUIT COURT, CLERK Clerk of circuit, oyer and terminer and general quarter sessions.  
 OF THE COURT OF OYER AND TERMINER AND GENERAL  
 JAIL DELIVERY, AND OF THE COURT OF GENERAL  
 QUARTER SESSIONS OF THE PEACE, IN CRIMINAL CASES:

For entering every indictment and filing the same,	ten cents;
every process, subpoena or other writ,	twenty cents;
sealing the same,	ten cents;
every ticket for a subpoena,	five cents;
entering an appearance or default,	eight cents;
entering a recognizance,	ten cents;
discharging by proclamation and entering the same,	ten cents;
entering and filing a plea,	eight cents;
entering the relinquishment of a plea,	five cents;
entering an order or rule of court, a certified copy thereof when required,	ten cents;
calling and swearing every jury,	eight cents;
swearing each witness,	twenty cents;
swearing constable to attend jury,	five cents;
taking and entering a general verdict,	five cents;
entering every special verdict for each sheet,	ten cents;
entering judgment,	eight cents;
	eight cents;

copies of writs, indictments, pleadings, special verdicts and other papers, for each sheet,	five cents ;
reading every petition, and order thereon,	ten cents ;
copy of such order,	five cents ;
searching the records,	ten cents ;
entering the allowance of every habeas corpus, writ of error or certiorari, and returning the same,	thirty cents ;
fees on appeals in bastardy cases—the same (for like services) as hereinbefore allowed on all appeals heard and determined in the court of common pleas.	

No costs shall be allowed in any case where the indictment is quashed, judgment arrested or the defendant is discharged for want of prosecution.

**Recording  
deeds, &c.**

**FOR SERVICES IN RECORDING DEEDS AND OTHER INSTRUMENTS, AND FOR SEARCHING THE SAME.**

For recording or registering and indexing every deed, survey or resurvey, letter of attorney, agreement for the sale of land, lease, assignment of lease, every certified copy of deed authorized by law to be recorded, and every judgment, where such instrument does not contain more than ten folios,	seventy-five cents ;
each additional folio,	seven cents ;
recording or registering and indexing every mortgage or abstract thereof, and every assignment of a mortgage, where the record of such instrument does not contain more than seven folios,	fifty cents ;
each additional folio,	seven cents ;
recording or registering the certifi-	

cate of the discharge of any mortgage, and making a reference to the same on the page containing the record of such mortgage,	twenty-five cents;
every receipt for a mortgage,	seven cents;
filing and indexing every deed required by law to be filed,	ten cents;
searching the records of deeds, mortgages, wills or other records, for each book and for each name,	three cents;
For recording every judgment and indexing the same,	seventy-five cents;
recording every assignment of a judgment, and the proof or acknowledgment thereof and indexing the same,	forty cents;
entering on the record satisfaction of any judgment, and filing any letter of attorney or other warrant or authority for so doing,	twenty cents;
searching the records of judgments against each individual, for each year,	three cents;
docketing any judgment,	thirty-five cents;
certified transcripts of any docketed judgment,	forty cents;
filing certificate of reversal of judgment and entering the same in the docket,	ten cents;
For recording every writ of execution against lands, tenements, hereditaments and real estate, and indexing the same,	twenty cents;
For filing each chattel mortgage and the affidavit accompanying the same, and indexing the same,	ten cents;
filing each copy of a chattel mortgage and statement and affidavit accompanying the same, and indexing the same,	ten cents;
searching for each chattel mortgage,	five cents;

For filing and indexing every lien claim or contract,	eight cents ;
recording abstract of every lien claim or contract for each folio.	six cents ;
each search for a lien claim or contract,	four cents ;
filing receipts of payment of any lien claim, and entering minute thereof in lien docket,	ten cents ;
For certified copies or abstracts of any deed, mortgage, judgment or other instrument recorded or filed in the office of such clerk, for each folio,	six cents ;
drawing certificate and affixing seal,	fifteen cents ;
For entering and filing report of commissioners in the partition of lands,	forty cents ;
entering and filing report of the sale of lands,	forty cents ;
recording and indexing either of such reports, for each folio,	six cents ;
entering order of confirmation and for conveyance,	thirty-five cents ;
For filing and recording a certificate of partnership, or a certified transcript thereof, and the affidavits of publication of the terms of partnership, and indexing the same,	one dollar ; .
filing and recording a certificate or amended certificate of the incorporation of any company, savings bank, or society, and indexing the same,	one dollar ;
filing and recording a certificate of the incorporation of any religious, literary, musical, benevolent, or charitable society, and indexing the same,	fifty cents ;



filing and recording the certificate of the change of the name of any incorporated company, savings bank or society,	one dollar ;
filing and recording the certificate or notice of the change of the name of any individual,	one dollar ;
recording and filing the survey of the boundary line between any two counties, or between any townships, such fees as may be taxed by the inferior court of common pleas.	
For registering the name of each exempt fireman,	twenty cents ;
For filing and indexing any map or paper not herein specifically referred to,	ten cents ;
For making out and transmitting to the clerk of each township a copy of notice of election of governor or of senator (including postage), for each notice,	thirty-five cents ;
For services in real or mixed actions, and personal actions, removed into the circuit courts by certiorari, the same fees as are or may be by law prescribed and allowed to the clerk of the supreme court for like services.	
For filing and recording each notice of lis pendens, for each folio,	eight cents ;
filing order of discharge, and entering discharge upon the margin of the record of the notice of lis pendens, in proceedings where the chancellor orders the land and real estate to be discharged of all equities set up in a bill of complaint,	forty cents ;
For filing the claim, sheriff's minutes and inquest, in attachment cases,	twenty cents ;

a copy thereof, when required, for each folio,	six cents ;
For making and filing the proceedings and affidavit, and entering the judgment in the minutes of the court, in proceedings in confession of judgment on bond and warrant of attorney,	thirty-five cents ;
entering the proceedings and judgment in such cases at large in the book of judgments,	seventy-five cents ;
sealing and recording the execution and entering and filing the execution and return of the sheriff, in such cases,	fifty cents ;
For filing copy of any peddler's license, and endorsing on such license a certificate of the filing of such copy,	sixty cents ;
For recording each certificate of the variation of the compass and appended affidavit of the correctness thereof, and for copies or abstracts of the same, and for drawing certificate and seal therefor for each folio,	eight cents ;
For recording certificate of the appointment of commissioners for the meadows, improvement and drainage of swamps, marshes and meadows, for each folio,	eight cents ;
recording surveys for the improvement and drainage of swamps, marshes and meadows, for each folio,	six cents ;
For recording bond of any sheriff,	twenty-five cents ;
For drawing, taking and filing the oath or affirmation of any person commissioned as a notary public,	forty cents ;
For testing or sealing any beam or scale,	thirty-five cents ;

testing or sealing each and every  
weight or measure,

ten cents;

2. *And be it enacted*, That in case any county clerk shall Penalty.  
take any other or greater fees for the services hereinbefore  
specified than are by this act allowed, or shall take such  
fees without performing the services for which such fees  
are allowed, he shall, for every such offence, forfeit and  
pay the sum of fifty dollars, to be sued for and recovered  
in an action of debt, with costs of suit, in any court of  
competent jurisdiction, by any person who shall be  
aggrieved by such taking.

3. *And be it enacted*, That the registers of deeds and Fees of registers  
in counties.  
mortgages in any of the counties of this state shall be  
entitled to demand and receive, for the services they are  
or may be by law required to perform, the same fees as  
are hereinbefore allowed to county clerks for like services.

4. *And be it enacted*, That the clerks of the respective Record of fees  
and compensa-  
tion received to  
be kept and re-  
ports to be  
made quarterly.  
counties in this state and the registers of deeds and mort-  
gages in any of the counties of this state, shall severally  
keep a true record of all the fees and compensation  
received by them for their own use under the provisions  
of this or any other act, and they shall make a report,  
under oath, to the county collectors of their respective  
counties, on the first day of July next, and quarterly  
thereafter, of the gross amount of all such fees and com-  
pensation so received by them during the next preceding  
quarter; any such clerk or register who shall fail to  
make such quarterly report to the county collector of his  
county shall be liable to a penalty of one hundred dol- Penalty.  
lars for every such failure, which penalty shall be sued  
for and recovered in an action of debt in any court of  
competent jurisdiction, by the county collector of the  
county for the use of the county, and it is hereby made  
the duty of such collector to sue for said penalty.

5. *And be it enacted*, That all acts and parts of acts Repealer.  
inconsistent with any of the provisions of this act, be and  
the same are hereby repealed, in so far as they are incon-  
sistent herewith, and this act shall be deemed and taken  
to be a public act, and shall take effect immediately;  
saving and excepting that so far as the same increases or Not to affect  
present officers.  
reduces the fees, compensation or allowances of any of  
the officers herein named, now in office, it shall take effect

only upon and immediately after the end of the present term of office of any of such officers, or upon the election of their respective successors.

Approved March 10, 1879.

## CHAPTER LXIX.

### An Act relating to the fees of sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the sheriffs of the respective counties of this state shall be entitled to demand and receive, for the services hereinafter named, the following fees as compensation, and no more, to-wit: For transporting offenders to the state

**Fees.**

prison, including sustenance, for a  
single offender, twenty cents per mile;

two offenders, fifteen cents per mile, for each one;

three or more offenders, ten cents per mile, for each one;

when a sale is made by virtue of an execution, on all sums of one thousand dollars and less, one per centum on the amount of the sale; on all sums over one thousand dollars, and not exceeding three thousand dollars, one-half of one per centum on the amount of the sale; and on all sums over three thousand dollars, one-quarter of one per centum on the amount of the sale; when the execution is settled without actual sale, and such settlement is made manifest to the sheriff, he shall be entitled to the one-half of the amount of percentage above allowed in cases of sale, and no more.

For summoning a special jury, two dollars;

summoning a jury of view, when not a  
special jury, one dollar;

attending with a prisoner before a judge  
on his being surrendered by, or in  
discharge of his bail, and receiving  
him into custody, one dollar;

2. *And be it enacted*, That all acts and parts of acts <sup>Repealer.</sup> inconsistent with the provisions of this act be and the same are hereby repealed, in so far as they are inconsistent herewith, and this act shall be deemed and taken to be a public act, and shall take effect immediately; saving and excepting that so far as the same <sup>Not to effect sheriffs now in office.</sup> increases or reduces the fees, compensation or allowances of any sheriff now in office, it shall take effect only upon and immediately after the end of his present term of office or upon the election of his successor.

Approved March 10, 1879.

## CHAPTER LXX.

A Supplement to the act entitled "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act fixing the compensation of certain public officers of the state," which act was approved March sixteenth, one thousand eight hundred and seventy-six, and which section reads as follows:

"3. *And be it enacted*, That the public officers of this <sup>Section to be amended recited.</sup> state hereinafter mentioned, shall receive no salaries, but shall be entitled to receive the fees following for the services hereinafter specified, and no further or other fees; that is to say: the secretary of state shall be entitled to receive the same fees which he is now entitled by law to receive, as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court and register in the prerogative office, clerk of the court of pardons, and commissioner of insurance.

Clerk in chancery.

The clerk in chancery shall be entitled to receive:

For entering an action,	fifteen cents;
For filing each pleading or other paper,	nine cents;
For copies and enrolling proceedings, for each folio of one hundred words,	six cents;
For entering every rule,	fifteen cents;
For every commission issued,	one dollar;
For setting down a cause for hearing,	thirty-eight cents;
For taxing a bill of costs,	thirty-eight cents;
For commissions on deposits, if under one hundred dollars, three-fourths of one per centum; if over one hundred dollars, and under one thousand dol- lars, three-eighths of one per centum on such excess; if over one thousand dollars, three-sixteenths of one per centum on the excess;	
For searching the records, for each book, for each name,	three cents;
For drawing a certificate and seal,	fifteen cents;
The clerk of the supreme court shall be entitled to receive:	
For sealing every writ,	ten cents;
For entering an action,	eight cents;
For entering an appearance on default,	ten cents;
For entering the return of a writ,	ten cents;
For entering every rule,	twelve cents;
For filing every writ, pleading or other paper,	six cents;
For entering a retraxit, discontinuance or non-suit,	eleven cents;
For entering a postea,	fifteen cents;
For entering a judgment,	nine cents;
For entering satisfaction on record,	fifteen cents;
For copies and recording judgments, for each folio of one hundred words,	six cents;
For taxing a bill of costs,	thirty-eight cents;
For drawing a certificate and seal,	fifteen cents;
For searching the records, for each book, for each name,	three cents;"

be and the same is hereby amended to read as follows:

3. *And be it enacted*, That' the secretary of state shall receive a salary of six thousand dollars per annum, together with an allowance of four thousand dollars per annum for clerical assistants to be paid by the treasurer upon the warrant of the comptroller, which said salary shall be a full compensation for all services rendered by the said the secretary of state, as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court, and register in the prerogative office, clerk of the court of pardons, and commissioner of insurance, or in any other official capacity whatever and for all clerk hire, save and except, that the assistant secretary of state shall continue to receive the salary now provided by law for his services, and all fees now payable by law to him as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court, register in the prerogative office, clerk of the court of pardons or commissioner of insurance, or in any other official capacity whatever, shall be collected by him, and a statement thereof in detail, verified by oath, shall be submitted quarterly to the comptroller, and when audited by him filed with the state treasurer; and the said secretary of state shall within ten days thereafter pay over the amount of such fees to the state treasurer, under a penalty of five hundred dollars for each day's neglect to file such certificate and to pay over such moneys, to be recovered in the name of the treasurer of the state of New Jersey for the use of the state in an action of debt, in the New Jersey supreme court:

The clerk in chancery shall receive no salary whatever, but shall be entitled to receive as fees:

For entering an action,	ten cents;	Clerk in chancery.
For filing each pleading, or other paper,	six cents;	
For copies and enrolling proceedings,		
for each folio of one hundred words,	six cents;	
For entering every rule,	ten cents;	
For every commission issued,	one dollar;	
For setting down a cause for hearing,	twenty-five cents;	
For drawing, engrossing, taxing and		
filing each bill of costs,	fifty cents;	
For entering appearance of defendant,	ten cents;	
For entry of every dismissal,	ten cents;	

	For drawing, entering and filing appearance of each infant defendant,	fifty cents;
	For searching the records, for each book, for each name,	two cents;
	For drawing a certificate and seal,	ten cents;
Commissions on deposits.	For commission on deposits, if under one hundred dollars one half of one per centum; if over one hundred dollars and under one thousand dollars, one-quarter of one per centum on such excess; if over one thousand dollars, one-eighth of one per centum on such excess;	
Proviso.	<i>Provided</i> , that if upon any paper filed there be endorsed any return, affidavit of service, or of non-residence, or statements of sheriffs on executions, or masters' fees, or other matter, but one fee for filing such paper with such matter endorsed thereon, shall be allowed; and the clerk of the supreme court shall be entitled to receive no salary whatsoever, but shall be entitled to receive as fees:	
Clerk of the supreme court.	For sealing every writ,	eight cents;
	For entering an action,	five cents;
	For entering an appearance on default,	eight cents;
	For entering the return of a writ,	eight cents;
	For entering every rule,	ten cents;
	For filing every writ, pleading or other paper,	four cents;
	For entering a retraxit, discontinuance or non-suit,	eight cents;
	For entering a postea,	ten cents;
	For entering a judgment,	six cents;
	For entering satisfaction on one record	ten cents;
	For copies and recording judgments, for each folio of one hundred words,	six cents;
	For taxing a bill of costs,	twenty-five cents;
	For drawing a certificate and seal,	twelve cents;
	For searching the records, for each book, for each name,	two cents;
Repealer.	2. <i>And be it enacted</i> , That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be a public act and take effect immediately; saving and excepting that so far as the same increases or reduces the per centage or allowance of any public officer now in office, during the term for which such officer was elected or appointed, it shall take	
Not to affect present officers.		



effect only upon and immediately after the end of such term.

Approved March 10, 1879.

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## CHAPTER LXXI.

A Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is a supplement, and which reads as follows:

"5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee, and shall be signed by the chairman thereof and countersigned by the treasurer, and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing a majority in number and amount of the taxpayers, as aforesaid, and taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed; and before the issuing of the bonds as hereinafter provided, said petition and affidavits shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall

Section to be amended recited.

Proviso.

be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words 'for the above resolution,' or 'against the above resolution,' which vote may be taken either at the annual town meeting, or at a special town meeting to be called by the said committee for that purpose," shall be amended so as to read as follows:

Section as amended.

Proviso.

Proviso.

5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee or common council of any incorporated town or borough, and shall be signed by the chairman thereof and countersigned by the treasurer and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing not less than one-third in number of the taxpayers of the said town or township; *provided, however*, that said one-third in number of said taxpayers shall represent a majority in amount of the taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed, and before the issuing of the bonds as hereinafter provided, such petition and affidavit shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or

printed the words "for the above resolution" or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said committee for that purpose.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

## CHAPTER LXXII.

An Act to provide means for protection against fires in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote for and determine an amount of money to be raised by tax for a fire appropriation; *provided, however*, that the number of inhabitants in such township shall be not less than thirty-five hundred, as ascertained by the last census preceding such vote and determination, taken under the authority of the United States, or of this state.

Legal voters to determine amount of money to be raised.

Proviso.

2. *And be it enacted*, That the first appropriation to be voted and determined by any township which shall avail itself of this act, shall not exceed the sum of five thousand dollars; and that the amount of any succeeding annual appropriation after the first shall not exceed the sum of two thousand five hundred dollars.

Amount of appropriation.

3. *And be it enacted*, That it shall be lawful for the township committee in any township in which a fire appropriation shall be made under the provisions of this act, to expend the same in providing and maintaining means for extinguishing fires in such township; and to this end, they may construct wells, cisterns and reservoirs,

Township committee to make provision for extinguishing fires.

purchase apparatus, lease lands or buildings and purchase real estate and erect buildings for the accommodation of the fire apparatus, in the corporate name of the township.

**Rules and regulations.**

4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time, as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient: *provided*, that the provisions of this act shall not apply to counties in this state having by the last state census a population of less than one hundred thousand inhabitants; *provided*, that this act shall not be construed to abolish, or in any manner affect any fire company heretofore incorporated under the laws of this state.

**Proviso.**

**Proviso.**

**Township committee may fix bounds of fire district.**

5. *And be it enacted*, That for any village or district located within a township or townships, that neglect or refuse to take action under the provisions of this bill, it shall be the duty of the township committee, on the application of at least twenty freeholders of such village or district, to lay off, by metes and bounds, such village or part of township, as may be desired, into a fire district, and such village or part of township shall have all the rights and powers hereby conferred upon the townships.

**Election of directors &c.**

6. *And be it enacted*, That the legal voters of a district so organized, shall meet annually on the second Thursday of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of five directors, who, when elected, shall possess, within said district, all the rights and powers of the township committee under this act.

**Money to be raised by tax.**

7. *And be it enacted*, That the money voted at the annual district meeting shall be assessed on the value of the buildings and contents within said district, and collected as the taxes of the township are now collected, and be under the control of, and expended by the board of directors for the purposes specified in section three.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

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## CHAPTER LXXIV.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any state, county or city government, or any member of any public board, association or commission, shall hereafter solicit or receive, either directly or indirectly, any money or valuable consideration for his vote in the appointment of any person or persons to any position in any department of any public body aforesaid, the person or persons so offending shall be deemed and taken to be guilty of misdemeanor, and on conviction thereof, be punished by fine or imprisonment, or both; said fine not to exceed one thousand dollars, nor such imprisonment one year, and be forever thereafter debarred from holding any office of profit, trust or emolument in this state.

Penalty for  
soliciting or  
receiving  
money for  
votes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

## CHAPTER LXXV.

Supplement to an act entitled "An act for the preservation of fish," approved April third, one thousand eight hundred and seventy-eight.

Fishing with  
nets &c., pro-  
hibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this act is a supplement shall be so amended that it shall be unlawful for any person or persons, firm or corporation, to use or operate any pound, purse, net, seine or seines, at any time of the year in the Shrewsbury or Navesink river, or the north or south branches of the said river.

Boundaries de-  
scribed.

2. *And be it enacted*, That for the purpose of this act the Shrewsbury or Navesink river shall be held to begin at the present most inland part of their respective waters and to extend to the mouth of the river to a line drawn east and west from the point of Spermaceti cove on Sandy Hook in the county of Monmouth; *provided, that* nothing in this act shall be construed to prohibit persons from using fike nets, or crab nets known as scapp nets, or gill nets not exceeding sixty feet in length.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

## CHAPTER LXXVI.

An Act relative to the names of insurance companies.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Not to use name of any organization now existing.</sup> *the State of New Jersey,* That no fire, life, marine or other insurance company hereafter organized under the laws of this state, shall have or use a corporate name or title which shall at the time of such organization be used to designate any fire, life, marine or other insurance company already existing under the laws of this state, or of any other state authorized to do business in this state; and it shall be the duty of the secretary of state to reject any name which he shall deem to be so nearly similar to any already in use as aforesaid, as to lead to confusion or uncertainty on the part of the public.

2. *And be it enacted,* That it shall be the duty of the <sup>Secretary of state to withhold certificate</sup> secretary of state to withhold any certificate of authority for the transaction of business within this state, now required by law to be made by him, from any insurance company hereafter to be organized under the laws of this state, and from any insurance company organized under the laws of any other state, hereafter applying for authority to transact business within this state, which shall not comply with the provisions of this act.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1879.

## CHAPTER LXXVII.

An Act to provide for the collection and care of specimens of artistic pottery, porcelain and glassware for industrial and scientific purposes.

Governor authorized to procure specimens of pottery, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to procure in the name of the state, by gift or loan, a collection of objects of suitable designs in pottery, porcelain and glass, to serve as models and objects for the aid and instruction of potters, glass makers, designers, decorators and students; and the governor is hereby authorized to cause to be prepared a suitable room in the state house for the care and preservation of the said collection; and the said room shall be kept open at reasonable hours so that the said collection shall be at all proper times subject to examination by artists, designers, manufacturers and the public at large.

Expenses, how paid.

2. *And be it enacted*, That the expenses incurred by the governor in procuring the said collection shall be paid by the state treasurer on the warrant of the comptroller; *provided*, that the sum of the expense so incurred shall not exceed one thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.



## CHAPTER LXXVIII.

A Further Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, anno domini one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, there shall be elected but one overseer of the poor in and for each township in this state, at the annual town meetings for the election of township officers. Election of overseers of the poor.

2. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 12, 1879.

## CHAPTER LXXX.

An Act to increase the jurisdiction of justices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every suit of a civil nature at law where the debt, balance or other matter in dispute does not exceed, exclusive of costs, the sum or value of two hundred dollars, shall be and hereby is made cognizable in any court for the trial of small causes of this state where the same may be heard and determined according to law; *provided always*, that this act May have jurisdiction in cases of sums not exceeding two hundred dollars. Proviso.

shall not extend to any action of replevin, slander, trespass for assault and battery or imprisonment, nor to any action wherein the title to any lands, tenements, hereditaments or other real estate shall or may in anywise come in question, nor to any cause of action over which any district court of this state now has or hereafter may have exclusive jurisdiction; *and provided further*, that it shall be at the option of the plaintiff in any suit at law to bring his action in the circuit court; *and provided further*, that no justice of the peace in any city where a district court now exists, shall exercise jurisdiction over any cause cognizable in such district court.

**proviso.**

**proviso.**

**Repealer.**

2. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, except such acts or parts of acts as give to certain district courts jurisdiction over suits mentioned in the first section of this act, in the cities wherein such district courts now exist or may hereby be established.

**Fees, &c.**

3. *And be it enacted*, That it shall not be lawful for any justice of the peace to issue any summons, writ of attachment or other process for or on behalf of any person for whom he is agent or attorney in fact, nor to take any fee or reward for any such service, or for receiving and paying over any moneys paid to him by any defendant in any suit instituted in his court, or for writing out or preparing, or assisting in preparing or writing out any state of demand, bill of particulars, set-off or counterclaim or affidavit, plea of title, or other paper necessary or proper to be made use of in the progress of any suit or proceeding in his court; *provided*, that any justice may charge and receive not more than twenty-five cents for writing out or preparing any state of demand on a book account, or drawing up an affidavit; any justice of the peace violating the provisions of this section, shall be liable to a penalty of twenty-five dollars, to be sued for and recovered in any court of competent jurisdiction by any person who may sue for the same.

**proviso.**

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1879.

## CHAPTER LXXXI.

A Supplement to an act entitled "An act concerning the registry and returns of marriages, births and deaths," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections two, three, four, seven, ten, twelve and fifteen of the act to which this is a supplement, which read as follows:

"2. *And be it enacted*, That it shall be the duty of the physician, midwife, or other person present at the birth of every child born, and in case there be no physician or midwife present, it shall then be the duty of the parent, to report in writing to the proper officer, within thirty days thereafter, the following particulars as far as known: the day of the month and year, the precise place of residence, the names of both parents and the maiden name of the mother, the birthplace, residence and occupation of the parents, the sex and color of the child, and its name, if it be named, also the name of the attending physician; any person herein required to make report of any birth and failing to do so, shall be liable to a penalty of five dollars for each offence; *provided*, that a report made by any one of the persons present shall relieve the others from the obligation of making such report," be amended so it shall read as follows:

2. *And be it enacted*, That it shall be the duty of the physician, midwife or other person present at the birth of every child born, and in case there be no physician or midwife present it shall be the duty of the parent, to report in writing to the proper officer, within thirty days thereafter, the following particulars as far as known: the day of the month and year of the birth, the precise place of residence, the names of both parents, and the maiden

Section to be  
amended re-  
cited.

Section as  
amended.

Duty of physi-  
cian, &c.

	For drawing, entering and filing appearance of each infant defendant,	fifty cents;
	For searching the records, for each book, for each name,	two cents;
	For drawing a certificate and seal,	ten cents;
Commissions on deposits.	For commission on deposits, if under one hundred dollars one half of one per centum; if over one hundred dollars and under one thousand dollars, one-quarter of one per centum on such excess; if over one thousand dollars, one-eighth of one per centum on such excess;	
Proviso.	<i>Provided</i> , that if upon any paper filed there be endorsed any return, affidavit of service, or of non-residence, or statements of sheriffs on executions, or masters' fees, or other matter, but one fee for filing such paper with such matter endorsed thereon, shall be allowed; and the clerk of the supreme court shall be entitled to receive no salary whatsoever, but shall be entitled to receive as fees:	
Clerk of the supreme court.	For sealing every writ,	eight cents;
	For entering an action,	five cents;
	For entering an appearance on default,	eight cents;
	For entering the return of a writ,	eight cents;
	For entering every rule,	ten cents;
	For filing every writ, pleading or other paper,	four cents;
	For entering a retraxit, discontinuance or non-suit,	eight cents;
	For entering a postea,	ten cents;
	For entering a judgment,	six cents;
	For entering satisfaction on one record	ten cents;
	For copies and recording judgments, for each folio of one hundred words,	six cents;
	For taxing a bill of costs,	twenty-five cents;
	For drawing a certificate and seal,	twelve cents;
	For searching the records, for each book, for each name,	two cents;
Repealer.	2. <i>And be it enacted</i> , That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be a public act and take effect immediately; saving and excepting that so far as the same increases or reduces the per centage or allowance of any public officer now in office, during the term for which such officer was elected or appointed, it shall take	
Not to affect present officers.		

person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, precise place of death, and the cause of death of said decedent, according to the best of his knowledge; and if any physician or coroner refuses or neglects to make such certificate, he shall be liable to a penalty of ten dollars; this certificate shall then be delivered to, and filed with the proper officer, as hereinafter designated; and said officer shall thereupon issue a permit for burial to the person filing such certificate," be amended so that it shall read as follows:

4. *And be it enacted*, That in case of any person dying within this state, it shall be the duty of the physician who may have attended him during his last illness, to furnish the undertaker, or any member of the family applying therefor, a certificate of the death of said person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, place of death and the cause of death, according to the best of his knowledge, and said certificate shall constitute all the necessary burial permit in any township of the state, outside of city or incorporated or county health board limits, and the undertaker shall, within five days after said burial, send the same, by mail or otherwise, to the assessor of the township in which the deceased died, under a penalty of fifty dollars, as herein provided; *and furthermore it is provided*, that any undertaker residing in an incorporated city or town may present the certificate of death, in case of *any burial* which he is superintending, to the city clerk or other proper officer of said city, and receive the usual permit as issued by it, on condition that said clerk shall at once transmit said certificate to the assessor of the township in which the person died, and in case there has been no physician in attendance, some member of the family, if there be any present, if not any one present, shall notify a physician of the death at once, and the physician shall proceed to view the dead body and ascertain all the facts necessary, and, if satisfied of the cause of death, grant the township certificate for burial, and, if not satisfied, shall send at once for the county coroner, or county physician, or justice of the peace, who shall take charge of the body and investigate

Section as amended.

Relative to certificates of death.

Proviso.

be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words 'for the above resolution,' or 'against the above resolution,' which vote may be taken either at the annual town meeting, or at a special town meeting to be called by the said committee for that purpose," shall be amended so as to read as follows:

Section as  
amended.

Proviso.

Proviso.

5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee or common council of any incorporated town or borough, and shall be signed by the chairman thereof and countersigned by the treasurer and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing not less than one-third in number of the taxpayers of the said town or township; *provided, however*, that said one-third in number of said taxpayers shall represent a majority in amount of the taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed, and before the issuing of the bonds as hereinafter provided, such petition and affidavit shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or

printed the words "for the above resolution" or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said committee for that purpose.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

## CHAPTER LXXII.

An Act to provide means for protection against fires in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote for and determine an amount of money to be raised by tax for a fire appropriation; *provided, however*, that the number of inhabitants in such township shall be not less than thirty-five hundred, as ascertained by the last census preceding such vote and determination, taken under the authority of the United States, or of this state.

Legal voters to determine amount of money to be raised.

Proviso.

2. *And be it enacted*, That the first appropriation to be voted and determined by any township which shall avail itself of this act, shall not exceed the sum of five thousand dollars; and that the amount of any succeeding annual appropriation after the first shall not exceed the sum of two thousand five hundred dollars.

Amount of appropriation.

3. *And be it enacted*, That it shall be lawful for the township committee in any township in which a fire appropriation shall be made under the provisions of this act, to expend the same in providing and maintaining means for extinguishing fires in such township; and to this end, they may construct wells, cisterns and reservoirs,

Township committee to make provision for extinguishing fire.

purchase apparatus, lease lands or buildings and purchase real estate and erect buildings for the accommodation of the fire apparatus, in the corporate name of the township.

**Rules and regulations.**

4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time, as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient: *provided*, that the provisions of this act shall not apply to counties in this state having by the last state census a population of less than one hundred thousand inhabitants; *provided*, that this act shall not be construed to abolish, or in any manner affect any fire company heretofore incorporated under the laws of this state.

**Proviso.**

**Proviso.**

**Township committees may fix bounds of fire district.**

5. *And be it enacted*, That for any village or district located within a township or townships, that neglect or refuse to take action under the provisions of this bill, it shall be the duty of the township committee, on the application of at least twenty freeholders of such village or district, to lay off, by metes and bounds, such village or part of township, as may be desired, into a fire district, and such village or part of township shall have all the rights and powers hereby conferred upon the townships.

**Election of directors &c.**

6. *And be it enacted*, That the legal voters of a district so organized, shall meet annually on the second Thursday of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of five directors, who, when elected, shall possess, within said district, all the rights and powers of the township committee under this act.

**Money to be raised by tax.**

7. *And be it enacted*, That the money voted at the annual district meeting shall be assessed on the value of the buildings and contents within said district, and collected as the taxes of the township are now collected, and be under the control of, and expended by the board of directors for the purposes specified in section three.



8. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1879.

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## CHAPTER LXXIV.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any state, county or city government, or any member of any public board, association or commission, shall hereafter solicit or receive, either directly or indirectly, any money or valuable consideration for his vote in the appointment of any person or persons to any position in any department of any public body aforesaid, the person or persons so offending shall be deemed and taken to be guilty of misdemeanor, and on conviction thereof, be punished by fine or imprisonment, or both; said fine not to exceed one thousand dollars, nor such imprisonment one year, and be forever thereafter debarred from holding any office of profit, trust or emolument in this state.

Penalty for  
soliciting or  
receiving  
money for  
votes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1879.

Mode of pro-  
cedure.

taken by authority of this state or of the United States, may adopt the provisions of this act in the manner hereinafter provided; the common council of such city may at any time provide by ordinance for the holding of an election by the legal voters thereof, for the purpose of deciding whether such city will adopt this act as its charter; and it shall be the duty of such common council to pass such ordinance whenever fifty or more of the legal voters of such city shall petition therefor; such election shall be by ballot and shall be conducted, as far as may be, in the usual manner of holding elections in such city; and such ordinance shall prescribe the time and place or places of such election, and shall contain such other regulations respecting the same as may be deemed necessary or proper; notice of such election shall be given at least thirty days prior thereto, by advertisements published in two newspapers printed in such city, if so many there be, and by printed notices put up in at least five public places in such city; if a majority of the votes cast at such election shall be in favor of adopting this act, then the mayor shall within ten days thereafter cause a certificate of the result of such election, signed by himself and the city clerk, and attested by the seal of the city, together with a certified copy of the said ordinance, and proof by affidavit that due notice of such election has been given, to be filed in the office of the secretary of state; and from the time of such filing the provisions of this act shall be the charter or form of government of such city, and shall so remain until changed according to law, notwithstanding any subsequent increase in the population of such city; *provided*, that no election shall be held under the provisions of this section more than once in any one year.

Proviso.

Relative to  
modification  
and repeal of  
grants, powers  
and privileges.

2. *And be it enacted*, That any city adopting this act shall continue to be a body politic and corporate in fact and in name, and shall have perpetual succession, with all the grants, powers, and privileges theretofore held by the said city and not modified or repealed by the provisions of this act; and all acts and parts of acts in so far as they are inconsistent with the provisions of this act when the same shall have been adopted in any city, are hereby superseded so far as they relate to such city,

and such acts or parts of acts are to that extent only repealed; this act or the adoption thereof by any city, shall not prejudice or affect any right accrued or legal proceeding commenced, by reason of anything contained in acts or parts of acts hereby superceded or repealed, and so accrued and commenced before this act takes effect by adoption in said city, except so far as herein specially provided for; the ordinances of the common council of any city adopting this act, in force at the time of such adoption, are hereby revived and continued in full force as city ordinances, subject to modification, amendment or repeal by the common council of such city. Ordinances, &c.

3. *And be it enacted*, That in all the following sections of this act, the words "the city" or "said city," shall be held to mean any city which shall have adopted this act as aforesaid, and the words "the county" shall be held to refer to the county where such city is situated. Certain words defined.

4. *And be it enacted*, That if the city shall have more than six thousand inhabitants, according to the last preceding census, and shall not have been divided into wards, it shall be the duty of the common council as soon as practicable after the adoption of this act, to pass an ordinance dividing the city into wards and fixing the boundaries thereof, but such division shall not be made within sixty days immediately preceding the annual election of city officers; the common council shall also have power to pass ordinances changing the boundaries of wards and the numbers by which they may be designated, and creating new wards. Division of city into wards.

5. *And be it enacted*, That the annual election shall be held on the first Tuesday of December in each year, at such place or places as the common council shall appoint; the city clerk shall, at least ten days prior to such annual election, cause an advertisement to be set up in at least five public places in the city, and to be published in two newspapers, if so many there be printed therein, specifying fully the officers to be elected, and the time and place or places at which such election is to be held. Time of holding annual election.

6. *And be it enacted*, That the poll of such election shall be opened and closed at the time appointed by law, and the judges and inspectors of election in each election Time of opening and closing polls.

district shall be the officers of said election; and in case of the absence, death, disability or refusal to serve, of any of said officers of election on the day of election, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies; that the name of each voter at such election shall be written on the poll list by the clerk, and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for the terms specified in this act.

Result of election to be certified.

Who may vote.

Proviso.

7. *And be it enacted*, That all persons residing in said city, entitled to vote by the constitution of this state at elections by the people, shall be entitled to vote at all elections under this act, and the said citizens so entitled to vote, shall be capable of holding any office in the city; *provided*, that no person shall be elected or serve as mayor or common councilman, unless he shall have resided in said city at least one year immediately preceding said election.

Officers to be elected annually.

Election of mayor.  
City Judge.

Members of common council.

8. *And be it enacted*, That at every annual election, there shall be chosen from among the citizens at large one assessor, one collector, one treasurer, two chosen freeholders, two constables and three commissioners of appeals, all of whom shall hold office for one year; the mayor shall be elected biennially, and shall hold office for two years; the city judge shall be elected triennially, and shall hold office for three years; in cities not divided into wards, there shall be elected, by and from the citizens at large, eleven members of the common council; in cities divided into wards, the members of the common council shall be elected by and from among the citizens of the several wards, except as hereinafter otherwise provided; if there are two wards there shall be five councilmen from each ward; if there are three or four wards, there shall be three councilmen from each ward; if there are more than four wards, there shall be two councilmen from each ward; whenever the whole number of coun-

cilmen elected from the wards shall be an even number,  
 there shall be one additional member of the common Election of  
councilman at  
large.  
 council elected by the citizens of the city at large; the Term.  
 term of office of members of the common council shall  
 be one year; at the first annual election held after the  
 adoption of this act, there shall be elected by and from  
 among the citizens at large, four excise commissioners, Election of ex-  
cise commis-  
sioners.  
 who, together with the mayor, shall constitute a board of  
 excise, which board shall, at its first meeting, decide by  
 lot which two of its members, other than the mayor, shall Term of office.  
 hold office for one year, and which two for two years;  
 and at every subsequent annual election there shall be  
 elected two excise commissioners, whose term of office  
 shall be two years; there shall be elected at every annual Election  
officers.  
 election one judge of election, one clerk of election and  
 two inspectors of election for each polling district in said  
 city; in cities not divided into wards the judges, clerks  
 and inspectors of election shall be elected by and from  
 the citizens at large; in cities divided into wards such  
 officers shall be elected by and from among the voters of  
 each ward for each of the polling districts in such ward;  
 until the division of the city into wards, justices of the  
 peace shall be elected according to the law applicable  
 thereto before the adoption of this act by such city; after  
 such division there shall be elected by and from among  
 the citizens of each ward, in cities having not more than Justices of the  
Peace.  
 five wards, one justice of the peace, who shall hold office  
 for five years from the first day of May next succeeding  
 his election; *provided*, that any city which may, at the Proviso.  
 time of the adoption of this act, have its full number of  
 justices of the peace, shall elect no justices of the peace  
 at any annual election unless before the next annual  
 election the number of justices in office will be less than  
 the number required by this act, and then only so many  
 shall be elected as shall be necessary to supply such  
 deficiency; vacancies that have occurred or may be about  
 to occur, shall be filled from the different wards in their  
 numerical order, beginning with ward number one; and  
 after each ward shall have elected a justice of the peace,  
 an election to fill this office shall only be held in each  
 ward when a vacancy has occurred or will, by the expira-  
 tion of a term of office before the next annual election

occur therein; the several justices of the peace shall hold their courts in the wards from which they are respectively elected; the terms of office of all officers except justices of the peace and chosen freeholders shall begin at noon on the first Monday of January next after their election.

Persons now in office to hold until term expires.

9. *And be it enacted*, That officers who may have been elected before the adoption of this act shall hold their offices respectively for the terms for which they were elected, and until the terms of office of their respective successors shall begin.

Powers and duties of the mayor.

10. *And be it enacted*, That the mayor shall be the chief executive officer of the city, and shall see that the laws of the state and ordinances of the city are faithfully observed therein; he may recommend the common council to pass such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and in case of a riot or tumultuous assembly, may take command of the police force of the city to suppress it; in case of persons violating, or being suspected by him of violating any criminal laws of this state, or penal ordinance of the city, he shall possess the same power and authority which justices of the peace possess in criminal cases; he shall sign all licenses directed to be issued by the common council, and no bonds, obligation or other evidence of indebtedness issued by the city shall be valid unless signed by him; he shall nominate and by and with the advice and consent of council appoint one chief of police and as many regular and special policemen as the common council may by ordinance direct; the policemen to be selected, as nearly as may be, in equal numbers from the different wards; in case of emergency, he may appoint as many additional special policemen as he may deem necessary, which last mentioned appointments shall be reported to the common council at its next meeting; he shall also nominate, and by and with the advice and consent of the council, appoint the corporation counsel, street commissioner, overseer of the poor and all officers of the city whose election or appointment is not in this act otherwise provided for.

Police.

11. *And be it enacted*, That the duly elected members of the common council of said city shall meet in the council chamber on the first Monday in January, at the hour of eight p. m., for the purpose of organizing for the transaction of business, and should the said common council not then organize it shall be the duty of the city clerk to call the members together for that purpose within ten days thereafter.

Time of meeting of common council for organization.

12. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have power to appoint the city clerk and janitor of the council chamber, to hold a common council within said city, at such time and place as may be appointed by the ordinances and resolutions of the said common council, to meet upon their own adjournments and to call special meetings by request of any three members of said council in writing, addressed to the clerk of said council, or by order of the president of said council, and that the whole legislative power of the corporation of said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of a majority of all the members of said common council, and unless the same shall have been introduced before the said common council at a previous meeting.

Members of common council, their powers.

Proviso.

13. *And be it enacted*, That it shall and may be lawful for the common council of said city to pass such ordinances or by-laws as to them shall seem meet and necessary for regulating, levelling, grading, paving, macadamizing, gravelling, cleansing and keeping in repair the streets, roads, highways, alleys and crosswalks in said city;

Ordinances and by-laws.

For regulating, paving and grading streets, &c.

For preventing or removing all obstructions, encroachments, encumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in said city;

Obstructions.

For ascertaining and establishing the grades and boundaries of all streets, alleys and sidewalks in said city;

Grades, &c.

For causing the territory embraced within the boundaries of said city to be accurately surveyed and mapped for roads, streets and avenues; and

Surveys, &c.



**Lamps and  
police districts.**

For establishing lamp and police districts within said city, and provide for assessing within each respective district the cost of lighting and maintaining police patrol, either or both, within such districts;

**Curbing, grading and paving  
sidewalks.**

For curbing, grading, paving, flagging, gravelling, cementing or planking sidewalks in said city;

**Removing nuisances.**

For preventing or removing all obstructions, impediments, encumbrances or nuisances on any street or street crossing, caused by any railroad company or its agents;

**To prevent  
driving on sidewalks.**

For preventing persons from riding, driving or passing over or upon the sidewalks, except when necessary to cross the same with horses, wagons, carts or carriages of any description;

**Lighting  
streets.**

For lighting the streets and alleys in said city;

**To prevent  
animals running at large.**

For preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine.

**Immoderate  
driving.**

For preventing the immoderate riding or driving through or in any street or alley of said city;

**Removal of  
snow and ice.**

For keeping sidewalks and gutters free from snow, ice and other impediments, and for strewing sidewalks, when necessary, with ashes or other suitable material;

**Board of health.**

To enact health laws and establish a board of health;

**Relief of poor.**

To provide for the relief of the poor, and for the establishment, maintenance and management of an almshouse or workhouse and a city hospital.

**Prevention of  
disorderly assemblages.**

For preventing or suppressing any riots, routs, disturbances, breaches of the peace or disorderly assemblages, in any street, alley, house or place in said city;

For sinking and regulating pumps, wells and cisterns in the streets or enclosures of said city for the extinguishing of fires;

**For prevention  
and suppression  
of fires.**

For regulating fire-engine, hose and truck companies;

For the prevention and suppression of fires;

For regulating the keeping of gun-powder and other combustible or dangerous materials;

For cleansing of chimneys and regulating the same;

**Powers, &c., of  
police.**

Prescribing the number, powers, duties and compensation of policemen, regular and special, and other subordinate officers;

**Weights and  
measures.**

For regulating weights and measures;

**Public pounds.**

For establishing and regulating one or more public pounds;



- For restraining vagrants, mendicants and street beggars; Vagrants.
- For erecting, repairing and regulating a city hall and city jail; City hall and jail.
- For assessing and collecting taxes; Assessing taxes, &c.
- For regulating and conducting city elections; Elections.
- For preserving peace and good order; Peace and order.
- For preventing and suppressing all gaming and disorderly houses; Suppressing gaming, &c.
- For regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires or otherwise to endanger the health or well-being of the inhabitants of said city; Prevention of dangerous trades or business.
- To regulate and control the manner of erecting dwelling-houses and other buildings, and to prohibit within certain limits, to be from time to time by it prescribed, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible materials; Erection of dwellings, &c.
- To prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; To prevent danger from fires, &c.
- For the sewerage or drainage of said city; Sewerage and drainage.
- For laying down pipes for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said city, and for regulating the same; For conveying water or gas.
- For the protection of trees, buildings and fences from mutilation or defacement; Protection of trees, &c.
- For preventing and punishing injuries to public lamps and lamp posts; Injuries to lamps.
- For abating and removing nuisances of every kind, and for compelling the owner or occupants of any premises wherein may be carried on any business, operation or calling, or in or upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants of said city, or any part thereof, to cleanse, remove, disinfect or abate the same as often as may be necessary, at the expense of such owner or occupants; Abating nuisances.
- For offering and paying rewards for the apprehension and conviction of criminals, or violations of any of the city ordinances; Rewards for apprehension for crime.

Suppression of vice, &c.	For the suppression and punishment of vice and immorality ;
Licensing taverns.	For regulating the licensing of taverns and saloons, and for the prevention of illegal traffic in spirituous and fermented liquors ;
Hacks, &c.	For licensing and regulating public hacks, carriages, carts, trucks, horse cars or other cars used for local passenger travel, and other vehicles used for hire ;
Peddlers.	For licensing and regulating peddlers, hucksters, and other street venders ;
Cleaning cess-pools.	For regulating the construction and cleansing of privies and cess-pools ;
Signs and awnings.	For regulating awnings, posts, signs and banners ;
Licensing auctioneers.	For licensing auctioneers, and regulating the sale of goods by auction ;
Parks.	For the care and improvement of public parks ;
Numbering buildings.	For the numbering of streets and buildings :
Cemeteries.	For regulating cemeteries ;
May pass other necessary ordinances.	And the said common council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of the said city as they may deem necessary, proper and expedient, not repugnant to this act, or to the constitution of this state, or of the United States.
Licensing shows and exhibitions.	14. <i>And be it enacted</i> , That the common council of said city shall have the power of licensing all circuses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of said city, on such terms and subject to such restrictions as the said common council may prescribe.
Money for licenses to be paid to city treasurer.	15. <i>And be it enacted</i> , That the common council may, by ordinance, delegate to the mayor and city judge or either of them, the power of granting all licenses, except the licenses mentioned in section thirty-eight of this act, and all moneys which may be derived from granting any licenses whatever under this act, shall be paid to the treasurer for the use of said city.
Relative to fees and compensation.	16. <i>And be it enacted</i> , That the common council of said city shall have power, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city, and commissioners appointed under this act, as to the said council shall seem necessary and

proper; *provided*, that the members of the common council shall not receive, directly or indirectly, any compensation for the performance of their official duties. Proviso.

17. *And be it enacted*, That the place of meeting of the said common council, shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business, and the said common council shall have full power to enforce the preservation of order. Meeting of council to be public.

18. *And be it enacted*, That every vacancy happening in any office created and made elective by this act, by death, resignation, permanent disability, removal or otherwise, except in officers of election on the day of election, shall be filled by the said common council within thirty days thereafter, and the said appointment shall continue until noon of the first Monday of January succeeding the next annual election, and no longer; and if, from any cause whatever, the mayor shall be temporarily prevented from discharging the duties pertaining to his office, then such duties shall devolve upon and be discharged by the president of the common council. Vacancies in office, how filled.

19. *And be it enacted*, That every ordinance and supplement to an ordinance passed by the common council of said city, shall, before it takes effect and becomes a law, be at once presented to the mayor by the city clerk, with a certification by said clerk as to the date of such presentation, and if the said mayor approve of it he shall sign it, if not, he shall return it with his objections, and file it and them with said clerk, within ten days after he received it; and the said common council shall at its first meeting thereafter, or at the first subsequent meeting, enter the said objections at length upon its journal, and proceed to reconsider such returned ordinance or supplement, and if a majority of all the members of the said council agree to pass the same, it shall take effect and become a law; but in every such case the vote shall be taken by ayes and noes, and entered upon the journal; and if such ordinance or supplement shall not be returned within ten days, as aforesaid, it shall take effect and become a law in like manner as if the mayor had signed it; and each and every ordinance or supplement so passed, as aforesaid, shall be attested by the city clerk Ordinances to be approved by mayor.

Proceedings in case of disapproval.

and published in two newspapers printed in said city, if so many there be, ten days before such ordinance or supplement shall go into effect; and like public notice shall be given of the intended adoption by the said common council of any ordinance or supplement, at least fourteen days before such adoption.

**Enacting clause.**

20. *And be it enacted*, That the ordinances of the common council of said city shall begin in the following manner, to wit; "The inhabitants of the city of (naming the city) by their common council do enact," as follows.

**Money to be raised by taxation for city purposes.**

21. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised by tax, in any one year, such sum or sums of money as may be necessary for the support of the city poor, and to pay the interest upon any existing bonded debt of said city, and the principal thereof when necessary; and such further sum, not exceeding ten thousand dollars, as they shall deem expedient for the current expenses of said city, and for all other objects and purposes authorized by this act, which amounts shall be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes, which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council; *provided*, that in cities where no other sufficient provision exists for the support of the public schools or of the fire department, the common council shall cause to be assessed and collected such further sum as may be necessary for said purposes, or either of them.

**Proviso.**

**Proceedings when a greater sum than ten thousand dollars is necessary to be raised in any one year.**

22. *And be it enacted*, That whenever a greater sum of money than the said sum of ten thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of said city, then in such case, the said common council are hereby authorized to give notice to the inhabitants of said city, by advertisements published in two newspapers printed in the said city, if so many there be, at least fifteen entire days before the day of holding any election hereinafter mentioned, and by printed handbills put in five of the

most public places of said city for a like period, that an election will be held at the time and place therein mentioned; the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice; at which said election, only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly and written partly printed, for or against the sum of money proposed by the said common council in and by their said notice; which said ballot shall contain the word "money," or the words "no money;" the time of opening and closing the poll at such election, and the mode and manner of conducting the same shall be as is prescribed by this act for annual elections, and every sum of money so voted by any resolution of the said common council to be raised by tax in the said city, and approved of by a majority of the whole number of lawful ballots cast in any such election, shall be assessed, collected and regulated according to the forty-fourth section of this act, excepting so far as relates to the time of assessing and collecting said taxes, which time shall be fixed by the common council.

Notice of election.

Who may vote.

Ballots to contain.

23. *And be it enacted*, That it shall be lawful for the common council of said city to authorize and direct the mayor and city treasurer to borrow on the credit and in the name of said city, in anticipation of the collection of taxes in any one year the sum of seven thousand five hundred dollars, and every such temporary loan or loans shall be fully paid and redeemed out of the moneys first received from the year's tax collection so anticipated.

Authorized to borrow money.

24. *And be it enacted*, That the amount authorized to be annually raised by taxation for city purposes as set forth in section twenty-one of this act may be increased or diminished whenever such change is authorized by a vote of the people at any annual city election, notice having been given by authority of the council and in the manner prescribed in section twenty-two of this act, that such proposed change will be submitted to the people at such

Amount authorized to be raised may be increased or diminished by vote of the people.

election, and in like manner it may be provided that the amount to be raised by taxation for said purposes shall be instead of any fixed sum, such sum as a prescribed percentage upon the taxable property of said city will produce, and the common council may make all needful regulations for carrying out the provisions of this section.

Powers and  
duties of city  
judge.

25. *And be it enacted*, That the city judge shall be, at the time of his election, a practicing attorney-at-law; he shall have all the powers of justices of the peace in criminal matters, and in addition thereto he shall have jurisdiction and is hereby empowered on oath or affirmation made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons, or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same have been violated, and on the return of such process, or at the time to which the city judge shall have adjourned the same, the said city judge shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings, and the city judge shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or when the punishment may be imprisonment, and in no other cases, there may be a trial by jury, to be conducted as in cases now triable by jury in courts for the trial of small causes.

Proviso.

Council to prescribe by ordinance the penalty for violation of any ordinance.

26. *And be it enacted*, That the common council may prescribe by ordinance what shall be the extreme penalty for each violation of any of its ordinances; such penalty shall not exceed one hundred dollars fine, or sixty days' imprisonment, or both; and the court may, in its discretion, impose the same or any less penalty than that prescribed by said common council; and if the fine

imposed be not paid, the party convicted of any such violation may be committed by the judge of said court, in his discretion, to the city or county jail, or such other place as the common council may provide, for any period not exceeding twenty days; all suits for the enforcement or violation of ordinances shall be brought before the city judge, or in the event of his absence or inability to act, from sickness or otherwise, then the said suits shall be brought before the mayor; and the proceedings before the mayor shall be conducted in the same manner as before the city judge, and the said mayor for the purposes of such trials shall possess all the powers vested in the city judge; the judgments rendered by the city judge or the mayor, when acting in the absence of the said judge, may be executed by any policeman of said city, and in the manner prescribed by the warrant, writ, execution or other process issuing out of the said court, and the said policeman to whom such process shall be delivered shall execute the same and make return thereof as set forth in such process, and the city judge or the mayor shall have power to commit to the jail of the county, and the jailor of said county shall receive and safely keep all persons who may be committed to the jail of said county by the city judge or mayor for the term expressed in the warrant of commitment, or until lawfully discharged, and all the expenses of keeping such persons shall be borne and paid by the said county.

27. *And be it enacted*, That all suits for the violation of ordinances may be brought and prosecuted in the name of "The people of the city of \_\_\_\_\_," (naming the city) and the book of records of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein, and the publication by the authority of the said common council, of their ordinances and by-laws in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances and by-laws in the public newspapers shall be presumed to have been made until the contrary be proved.

Suits, how  
brought and  
prosecuted.



Witness not to be deemed incompetent by reason of being an inhabitant of city.

28. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the city is a party or in which it is interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Court to be a court of record.

29. *And be it enacted*, That the city judge shall have all the rights, powers and jurisdiction that justices of the peace have for the trial of civil actions before them; his court shall be a court of record, the proceedings in which shall be the same as in courts for the trial of small causes, and subject to the same laws as far as applicable; judgments rendered in said court may be appealed from in all cases in which appeals are allowed in courts for the trial of small causes, in the same manner, and the common council shall provide a suitable and convenient place where the court of the city judge may be held.

Name of the court.

30. *And be it enacted*, That the name of the court in which the city judge shall hear causes shall be "the city court of \_\_\_\_\_," (naming the city); in proceedings for the enforcement of city ordinances, he shall have the same powers as in the trial of civil actions; the impression of a seal, the device of which shall be prescribed by the common council, upon any process or paper signed by him, shall be sufficient for all purposes; at the time specified in any process returnable before him, or to which any matter was adjourned, he may proceed to hear and dispose thereof; whenever it shall be necessary to give evidence of a judgment or other proceeding before him, the entry of such judgment or other proceeding on his docket, or a transcript thereof certified by him under his hand and seal, shall be sufficient evidence thereof; judgments rendered in said city court may be docketed in the office of the clerk of the county in the same manner, subject to the same restrictions and with the same effect as judgments rendered in courts for the trial of small causes.



31. *And be it enacted*, That all cases and matters pending in the city judge's court at the expiration of his term or resignation, or death, or inability to serve, shall be continued before his successor, who shall have full jurisdiction of the same; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the city judge to his successor.

Proceedings  
pending at end  
of term to be  
continued be-  
fore successor.

32. *And be it enacted*, That the officers empowered to serve processes issued by the city judge shall be, besides the constables elected or appointed within said city, the policemen of said city, and said processes shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the city judge sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance, as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or in any proceedings to be brought for the recovery of the same, with such surety as may be approved by the city judge unto the said city, by its corporate name for his or their appearance on the day to which such hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Officers em-  
powered to  
serve processes.

33. *And be it enacted*, That the policemen of said city shall have the power to arrest and take into custody, without warrant, any offenders against the by-laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said common council, until a hearing can be had before the mayor or the city judge of said city; *provided*, that such hearing shall be held within twenty-four hours after the arrest of said offender or offenders, unless such arrest is made after two o'clock, p. m., on Saturday, in which case the hearing shall be had before twelve o'clock, M., on the following Monday.

Powers of po-  
licemen.

Proviso.

Proceedings  
may be review-  
ed by appeal.

34. *And be it enacted*, That every conviction had before the city judge, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county, in the same manner and upon the same terms as appeals are or may be taken from justices' courts; but such appeals shall be upon questions of law only, and in case the judgment appealed from shall be imprisonment, the said city judge, or any judge of the court of common pleas, may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

Proceeding in  
certioraris.

35. *And be it enacted*, That in all cases in which persons shall bring certioraris to remove the order, proceedings or judgment given or made by the said city judge, it shall be lawful for this said city judge to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

Party applying  
for certiorari to  
give surety.

36. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the city judge of said city, unless the party applying for such certiorari shall become bound to said city by its corporate title in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicants shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said city judge with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceeding or judgment given or made by said city judge, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of said city, and on failure thereof no certiorari shall be allowed.

Costs to be paid  
on affirmance  
by defendant.

37. *And be it enacted*, That if any proceedings of the said city judge shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court, but if such proceedings be reversed, then the

plaintiff in certiorari shall not be liable to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county.

38. *And be it enacted*, That the excise board shall have Power of excise board. the power of granting licenses to keep taverns and saloons and to sell spirituous and fermented liquors therein; and also to grant licenses to grocers for the sale of such liquors in bottles, casks, or demijohns; *provided*, that such Proviso. grocer's license shall not authorize sale of liquor to be drunk on the premises; the common council may regulate by ordinance the form, manner and contents of all applications to said excise board for licenses and the amounts to be paid therefor; and such ordinance may also prescribe the hours during which the sale of liquor shall be lawful and make other proper regulations respecting the same; but the granting or refusing of all licenses for the sale of liquor shall be in the discretion of the excise board.

39. *And be it enacted*, That no person shall in any man- Not to sell without license. ner sell or dispose of spirituous or fermented liquors unless licensed so to do by said excise board; but this prohibition shall not include the sale by apothecaries of liquors for medicinal purposes.

40. *And be it enacted*. That whenever it shall appear by the judgment of a court of competent jurisdiction that any person licensed to sell liquor has wilfully violated any law or ordinance respecting the sale of liquor, or has knowingly permitted such violation by any person in his employ, his license may be revoked by said board; and no part of the money paid for such license shall be refunded on account of such revocation. Penalty for violation of ordinance respecting sale of liquor by a licensed person.

41. *And be it enacted*, That the treasurer and collector, Treasurer and collector to give bond. before they enter upon their respective offices, shall each execute a bond to the city, conditioned for the true and faithful performance of all the duties of their said offices in such sums, and with such freehold security, as the common council shall approve and direct.

42. *And be it enacted*, That the clerks of election, judges of election, and inspectors of election, assessor, collector, Powers and duties of certain officers. and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with

the provisions of this act; the city clerk shall attend all meetings of the common council of said city, keep accurate minutes of their proceedings, and insert the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the common council; he shall, within three days after the election or appointment of any person to any office in pursuance of this act, notify in writing such person of his election or appointment, and shall do and perform all such other duties as the said common council may from time to time prescribe; and the powers and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances of the said common council.

Treasurer to  
receive and pay  
all moneys and  
make annual  
statement

43. *And be it enacted*, That it shall be the duty of the treasurer of said city to receive and pay out all moneys belonging to the said city, under the direction and by the authority of the said common council; to make out annually, on the second Tuesday in December, or oftener, should the said common council so require, and publish in two newspapers printed in said city, if so many there be, a detailed and true statement of all moneys received into the treasury and of all moneys disbursed therefrom, from the commencement of his official year to the date of such statement.

Duties of the  
assessor and  
collector of  
taxes.

44. *And be it enacted*, That the city assessor shall with strict impartiality assess taxes upon all taxable persons and property within the said city between the first day of May and the first day of July annually, and the city collector shall collect the same between the first day of July and the first day of September, annually, and shall on the first Monday in September, annually, return to the city judge the names of all delinquents with the sums due from them, respectively; said city judge shall thereupon issue his warrant or warrants to the city policemen, or any of them, or such other person as the common council shall for that purpose nominate and appoint, requiring him or them to levy the tax so in arrears in the manner in which taxes are levied in the townships of the state; and such officers shall be entitled to the same fees as are paid for the like services in such township.

Delinquent  
taxes.

45. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually, on the third Tuesday of July, and at such other times as the common council may designate, in the event of an extra tax is ordered to be raised, to hear and determine all complaints of unjust taxation; they shall sit from two o'clock p. m. until five o'clock p. m., or longer if found necessary, to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting in two newspapers printed in said city, if so many there be, at least ten days previous to such assembling.

Commissioners of appeal in cases of taxation.

46. *And be it enacted*, That the constables, pound keepers and the overseer of the poor, shall perform such duties as by the laws and usages of this state now appertain to and devolve upon such officers in the townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof, and the collector of revenue shall pay over all moneys received by him for the city as soon as collected, to the treasurer of said city, who shall pay over to the collector of the county the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Duties of constables, pound keepers and overseer of the poor.

47. *And be it enacted*, That the corporation counsel shall appear for and represent the city in all suits, actions, and special proceedings to which it is a party; he shall also give his opinion on any question of law that may be submitted to him by the mayor, common council, or board of excise; *provided*, that such question shall concern the rights, powers, or duties of the city, or of some officer or department thereof.

Corporation counsel.

Proviso.

48. *And be it enacted*, That all officers appointed by the mayor, with the advice and consent of the council, shall hold office during the term of the mayor by whom they were appointed, and until their successors are in like manner appointed; and such officers shall not be appointed, except with the consent of a majority of all the members of the common council, and may, for proper cause, be removed by the said common council.

Term of office of officers appointed by the mayor.

49. *And be it enacted*, That every officer of the city shall, within ten days after his election or appointment

Oaths of office to be made within ten days

after election or  
appointment.

and before entering on the duties of his office, take and subscribe before the mayor, city judge or a judge of the court of common pleas of the county, an oath or affirmation that he will faithfully and justly perform all the duties of his office to the best of his ability, and it shall be the duty of the city clerk, to file and preserve the said oaths and affirmations in his office.

Proceedings  
for opening of  
streets, roads or  
highways.

50. *And be it enacted*, That it shall be lawful for the said common council, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city, to be vacated, opened, altered or widened whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give a written or printed notice to the owner or owners of any land or real estate necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three judicious and disinterested citizens of said city, as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and to ascertain the whole amount of damages and expenses incident to such laying out, opening, altering or widening, and to make a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefitted thereby, in proportion to the advantages each shall be deemed to acquire; and in case the council shall agree with every owner of land necessary to be taken, respecting the same, then such commissioners shall be appointed for the purpose of assessing said damages and expenses among the owners of land benefitted thereby, in the manner aforesaid.

51. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, opened, altered or widened, the alterations proposed to be made, and the lands or real estate intended to be taken for such purposes; and the said commissioners, or a majority of them when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments, and report their proceedings to the common council sufficiently in detail to enable the common council to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk and be open to the inspection of the public for ten days previous to its presentation to the common council, and notice of such filing shall be published in two newspapers, if there shall be so many printed in said city, at least ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interest, and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council, and the common council may ratify the action and report of the commissioners, or alter said report in respect to the matter specified in the objections, or the said common council may re-commit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a re-commitment, the said commissioners shall, as far as may be necessary, comply with all the requirements of this section; when the common council shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any lands or real estate

Notice to be given of the time and place of meeting of the commissioners.



affected thereby, subject only to the appeal hereinafter given; and upon payment of the damages so awarded, or upon a tender and refusal thereof, it shall be lawful for the common council to cause the said land or real estate necessary to be taken as aforesaid, to be entered upon and used for the purposes of the contemplated improvement; *provided, however*, that any person whose lands may be so taken may appeal from the proceeding of said common council to the circuit court of the county, within thirty days from the time of making the final order of the common council, and within the same period shall notify the city clerk of such intended appeal; the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, such trial to be conducted as are other trials by jury.

Proviso.

Proceedings in case appeal is not taken.

52. *And be it enacted*, That if no such appeal to the circuit court be taken, the persons whose lands shall have been taken shall be entitled to receive from said city, within sixty days from the time of making the final order of the council, the amount of damages sustained by them respectively, with interest from the date of said final order, and may, after the said period of sixty days, sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Amount of damages and expenses to be assessed.

53. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions of section fifty of this act.

When objections to opening street shall not be valid.

Proviso.

54. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street or road in said city, that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this act.

Ordinances for grading, gravelling or paving streets, &c.

55. *And be it enacted*, That it shall be lawful for the common council to pass ordinances for the grading, gravelling, paving or macadamizing of any street or



section of a street, and for the construction of drains and sewers; and appoint in each case three commissioners, who shall, after the completion of the work, ascertain the whole expense thereof, and assess the same upon the owners of all real estate, benefited thereby, in proportion to the benefit each shall receive therefrom; and any ordinance for the grading of a street shall include the sidewalk as a part of such street; a report in writing of such assessment, signed by a majority of such commissioners being returned to the common council, and ratified by them shall be binding and conclusive upon the owners and occupants of such lands, tenements and real estate to be assessed, respectively; all the provisions of section fifty-one, relating to the report and filing of the same, and giving notice thereof, and the subsequent proceedings thereon, so far as the same may be applicable, shall be regarded as appertaining to this section.

Expenses to be assessed upon owners benefited.

56. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for curbing, paving, flagging, gravelling, cementing, or planking any sidewalks in any street or section of a street in said city, by the owners or occupants of lands, tenements, or real estate fronting on or adjoining such street or section of a street, and to appoint one or more discreet and skillful person or persons to superintend the said work and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations by enacting penalties for non-compliance therewith.

Curbing, paving, flagging or planking sidewalks, &c.

57. *And be it enacted*, That if the owner or owners of any lands, tenements or real estate, in front whereof the sidewalks shall, by such ordinance or regulation be directed to be curbed, paved, gravelled, flagged, cemented or planked, shall neglect to comply with such ordinance or regulations, it shall be lawful for the said common council to cause such improvement to be made at the expense of the city, on account of the owners of such real estate; the person or persons appointed to superintend such work shall report to the common council the names of the owners neglecting to comply with such ordinance, the number of front feet owned by each and

Proceedings when owners neglect or refuse to comply.

the expense of performing such work according to the ordinance; the provisions of section fifty-one relating to filing the report and the subsequent proceedings thereon, so far as the same may be applicable, shall be regarded as appertaining to this section; the amount paid or agreed to be paid by the city for such work shall be a lien on such real estate from the time of its completion; such amount paid or agreed to be paid shall by resolution of the common council, be assessed upon the owner or owners of such lands, tenements or real estate, in proportion to the number of their frontage feet.

Assessment to be paid within thirty days after confirmation of assessment.

58. *And be it enacted*, That all persons, owners of any lands, tenements or real estate, assessed under any provision of this act, shall respectively, within thirty days after the confirmation of such assessment, pay to the city treasurer the sums at which such lands, tenements and real estate shall be assessed; on default of such payment or any part thereof, it shall be lawful for the mayor or city judge of said city, by direction of the common council, to issue a warrant, under the common seal, to levy the same by distress and sale of goods and chattels of such owner or occupant, refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress, to such owner or occupant or his or her legal representatives; *provided always*, that nothing in this section contained shall affect any agreement between landlord and tenant respecting the payment of any such charges; *and provided further*, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same with interest and costs of suit, before any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessments aforesaid and proof of payment shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant and tenant, shall be deemed the person who ought to bear and pay every such assessment.

Proviso.

Proviso.

59. *And be it enacted*, That in case any assessment made as aforesaid, shall not have been complied with by the payment of the sums thereby assessed, within thirty days, as aforesaid, the common council shall cause a notice to be published in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate respectively to pay the sums at which the same shall have been assessed, together with all the interest, costs and expenses that shall have accrued thereon, to the treasurer of said city; and that in default of such payment, such lands, tenements and real estate will be sold at public auction, to satisfy such assessment, and the interest, costs, charges and expenses thereof, which notice shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and shall state the purpose and amount of the assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and copies of such notice shall be posted in five public places in such city at least four weeks before such sale; it shall be lawful to sell said lands and premises, pursuant to said notice at public auction for the shortest term for which any person or persons will agree to take the same and pay such assessment, interest, costs, charges and expenses; if at any such sale, there shall be no other bidders, the city treasurer may, in the name and for the use of the city, purchase the property offered for sale for the term of one hundred years; and the city treasurer shall execute under the common seal of said city a certificate of said sale, and deliver the same to the purchaser or purchasers within ten days after the sale; *provided*, that it shall not be lawful to sell the same until sixty days after the completion and return of said assessment, nor until thirty days after the owner or owners of said real estate shall have been notified to pay said assessment; such owners shall be notified by the service of a written notice upon each of them personally, or by leaving the same at his place of residence or business, with some person of the age of fourteen years or over, or by affixing the same to the outer door of the house where such owner resides; but if any owners do not reside in the state of New

Proceedings in  
case assessment  
is not paid  
within time  
specified.

Proviso.

**Proviso.**

Jersey, or if their places of residence or business cannot with reasonable diligence be ascertained, the publication and posting of notices hereinbefore directed shall be deemed sufficient notice to them; *provided*, that in every case where the post office address of a non-resident owner shall be known to the city clerk, or can with reasonable diligence be ascertained by him, a copy of such notice shall be deposited in the post-office, directed to him at such address, with the postage pre paid.

**Redemption of  
lands sold for  
assessment.**

60. *And be it enacted*, That the owner, mortgagee, occupant, or any other person or persons, having a legal or equitable interest in any lands or real estate sold for assessments, as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon and which the purchaser may have paid, with the

**Rate of interest.**

interest on said purchase money, at the rate of twelve per centum per annum, from the time of such sale or from the time of such payment, and the certificate of said treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid, the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

**Declaration of  
sale in case of  
non-redemption  
of lands sold.**

61. *And be it enacted*, That if any lands or real estate so sold, shall not be redeemed, as by this act provided, the common council shall cause to be executed to the purchaser, his legal representative or assigns, a declaration of sale, under the seal of the city, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk, and until the same shall have been recorded such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale, and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such

purchaser or purchasers, and his and their legal representatives shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and such purchaser or purchasers, and his, her or their legal representatives shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon; and at the expiration of said term shall peaceably and quietly yield up said lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as the tenant for a term of years; *provided*, that whenever satisfactory evidence shall Proviso. be produced to the common council that any lands so sold belong to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, the said common council shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months such guardian or trustee, or person whose disability has been removed, may redeem such lands as hereinbefore provided.

62. *And be it enacted*, That it shall be the duty of the city clerk to record, in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person applying for the same, and to cancel such certificates of sales and assignments thereof so recorded when the land and real estate for which they were given shall be redeemed, on certificate of the city treasurer of such redemption, and file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Certificates of sale and assignments to be recorded.

Assessments to be and remain a lien on lot or lots assessed.

63. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said common council, instead of the remedies herein above provided, if they shall see fit, in case of a refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of such assessment from the person or persons who ought to pay the same, or his, her or their legal representatives, with interest and costs of suit, in any court having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, his, her or their legal representatives; and the said assessment shall be conclusive for the plaintiff in every such action.

When to be recognized as a public street.

64. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out or opened in said city, shall be recognized, considered or treated as a public street or highway, road or alley, unless the same be laid out and opened under the direction of the said common council in manner aforesaid.

Proceedings in case owner or owners are non-resident, &c

65. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city, shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent, or legal representative of such owner can on like inquiry be found in this state, then it shall be lawful for the common council of said city to proceed to the appointment of the commissioners mentioned and provided for in the fiftieth section of this act, after publishing in a newspaper printed in said city, for the space of two weeks, at least once in each week, a notice of the intention of said common council to take such land or real estate and appropriate it for such street, road, highway or alley.

May proceed to sell.

66. *And be it enacted*, That in case the owner or owners of any lands, tenements or real estate assessed under any of the provisions of this act, under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry made under the directions of the

common council, and the assessment made on such lands, tenements or real estate remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand from such owner or owners, to proceed to the advertisement first mentioned in the fifty-ninth section of this act, and the sale provided for in said section in the manner in said section pointed out.

67. *And be it enacted*, That if the tenant or tenants of any lands, tenements or real estate within said city, shall cause the sidewalk in front thereof to be curbed, paved, flagged, gravelled, cemented or planked in obedience to an ordinance or regulation, at his, her or their own expense, it shall be lawful for him, her or them to deduct the same out of the rent, or recover the same from the landlord, or owner or owners, or his, her or their legal representatives, with the interest and costs, in an action on the case, before the mayor or city judge of said city, or in any court having cognizance thereof, for so much money by him, her or them paid, laid out and expended to or for his or their use; *provided*, that nothing in this act shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges or expenses.

Deductions to be allowed to tenants for curbing and paving, out of rent due landlord or owner.

68. *And be it enacted*, That it shall and may be lawful for the common council of said city to cause stone walks to be laid across any street at the general expense of said city.

Stone cross-walks may be laid at city expense.

69. *And be it enacted*, That it shall and may be lawful for the common council of said city to specifically define by ordinance the manner in which all assessments shall be levied and collected, and to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; that any assessment made by virtue of the provisions of this act shall bear interest at the rate of twelve per centum per annum, after thirty days from the day the same is ratified by the city council and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expenses accruing thereon, shall be paid or the amount thereof discharged by the sale of the said lands or real estate by the city, and it shall be the

Rate of interest on assessments.



duty of the city clerk to send by mail written notices of the ratification of any assessment, to each person assessed thereby within five days after such ratification.

Assessments not  
to be in excess  
of benefits.

70. *And be it enacted*, That no lands or real estate shall be assessed for any street or sewer improvement a greater amount than such lands or real estate shall be benefited by such improvement; and in case the whole expense of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury.

Assessments to  
be a first lien.

71. *And be it enacted*, That all taxes and assessments, which shall be levied, assessed or made upon any lands or tenements within the said city, shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon.

Proceedings for  
collection of de-  
linquent taxes.

72. *And be it enacted*, That in any taxes, levied under this act, together with the interest thereon, and costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of six months, from and after the time when payable, then and in every such case it shall be lawful for the common council of said city, or a majority of them, to issue their warrant, which warrant may include the names of any number of delinquent owners and the description of each of their lands, tenements, hereditaments or real estate, on account of which such taxes were assessed, under the common seal of said city, signed by the mayor thereof, and attested by the city clerk, directed to the collector of the said city, therein and thereby commanding him to make said taxes, with the interest, costs, fees, charges and expenses as aforesaid, out of the lands, tenements, hereditaments or real estate, on account of which the same were assessed and incurred as aforesaid by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant, with all his proceedings thereunder, in writing, within four months from the date thereof, to said common council.



73. *And be it enacted*, That the said warrant shall be recorded by the clerk of said city before its delivery to said collector in a book provided for the purpose to be known as the "record of tax sales." Warrant to be recorded.

74. *And be it enacted*, That it shall and may be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lands, tenements, hereditaments or real estate under this act by advertisement signed by such collector in two newspapers printed and published in such city if so many there be, and if only one newspaper then in such paper, wherein such lands, tenements, hereditaments or real estate are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall forthwith mail a copy of such notice to the owner or owners, directed to him, her or them, at his, her or their last known post-office address, with full postage prepaid thereon; *provided*, Collector to give notice of time and place of sale. Proviso. such sale may be adjourned on application of the owner or other person interested therein, or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in the said newspapers or newspaper.

75. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lands, tenements, hereditaments or real estate set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of tax, interest, costs, fees, charges and expenses in detail, the year for which assessed, the time when the right to Collector to deliver to purchaser certificate of sale.

redeem shall expire, and the date of the warrant under which the sale was made.

Collector to  
make return of  
warrant with  
all proceedings  
thereunder.

76. *And be it enacted*, That the said collector shall make return of said warrant within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto all notices required by this act, to be by him given, published, mailed and posted, with due proof of such publication, posting and mailing, together with a true copy of the certificate of sale and acknowledgment referred to in the preceding section, and that he shall annex to said return, an oath or affirmation in writing, that the said return is true, full and complete in all respects, and that the same sets forth all of his acts and proceedings under said warrant, and that true copies of all the notices required by him to be given by this act are annexed thereto, and that the certificate of sale thereto annexed is a true copy of the original given by him to the purchaser.

Return to be  
recorded.

77. *And be it enacted*, That the clerk of said city shall record such return (the warrant only excepted) and the papers thereto annexed, in the aforesaid "record of tax sales," at length immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of  
sale to be re-  
corded in office  
of county  
clerk.

78. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office within the county where the lands are situate, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate and to all the rents, issues and profits arising therefrom on and after the date of such certificate, and in case the said premises are occupied by the owner or owners thereof, the purchaser shall give notice in writing to such owner or owners, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, of such sale, and demanding possession of such premises within thirty days after service thereof as aforesaid, and at the same time exhibit to the person so served, the aforesaid certificate, and if at the expiration of the said thirty days the said owner or owners shall not deliver up possession

thereof, then and in that case the purchaser may take the same proceedings to gain possession of such lands and premises, as purchasers under execution issued upon a judgment at law.

79. *And be it enacted*, That the owner or owners, mortgagee, occupant or any other person having a legal or equitable interest in any lands, tenements, hereditaments, or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the date of such sale by paying to the purchaser or his legal representative the amount of purchase money set out in detail in said certificate with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser, upon receiving such payment, if made by the owner or owners thereof, shall re-convey and restore to such owner or owners such real estate, and in case the owner or holder of any estate in, lien upon or right of possession of such real estate so sold shall pay to the purchaser within the said two years the aforesaid purchase money, interest, fees, costs, expenses and charges, the sale shall be of no farther effect, and the mortgagee or other person so redeeming shall have a lien on the said premises for the amount paid, with twelve per centum interest thereon, in like manner as if the same had been included in his, her or their mortgage, or other lien.

Property may be redeemed within two years from date of sale.

80. *And be it enacted*, That in case such lands, tenements, hereditaments or real estate so sold shall not be redeemed within in the time provided for by this act, then and in that case the common council upon due proof being made by affidavit that such redemption has not been made, and upon the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the city, signed by the mayor thereof, and attested by the city clerk, and acknowledged according to law, which deed shall contain a description of the property, the year of the tax assessment, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the clerk's office of the

Proceedings to be had by common council in case of non-redemption of lands sold.

county where the lands are situate within ten days after date thereof, and if not so recorded, the same shall be of no effect until so recorded, as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record, notwithstanding the lapse of the aforesaid two years; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements, hereditaments or real estate, for and during the term for which he, she or they shall have purchased the same for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and against all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and against any and all mortgages, alienations, devise, descent, lien and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devise, descent, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty at or before the expiration of the said term to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took possession of the same, damage resulting from ordinary use and the elements excepted.

Record of tax  
sales to be  
evidence.

81. *And be it enacted*, That the aforesaid "*record of tax sales*" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Sale not to  
affect mortgage  
lien.

82. *And be it enacted*, That no sale of lands, tenements, hereditaments or real estate made in pursuance of this act, shall destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such

mortgagee or mortgagees within three months from the date of such sale notice in writing, setting forth the date of such sale, the amount of purchase money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found then by mailing the same enclosed in an envelope plainly directed to him, her or them, at his, her or their last known post-office address, with full postage prepaid thereon, and the purchaser shall within twenty days after the service of said notice transmit a true copy of such notice with due proof of service to the clerk of the county in which such lands are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded and a marginal note made thereof, in the book where the original mortgage is recorded or registered, for which service the county clerk shall receive the sum of eight cents a folio to be paid by the purchaser.

83. *And be it enacted*, That it shall be the duty of the city collector of said city on or before the first day of February in each year hereafter to make return in writing to the clerk of the county in which said city is situate, of all unpaid taxes assessed the preceding year on real estate situate in said city, setting forth against whom assessed, the date, description of the property, the amount of tax thereon, to which he shall affix an oath or affirmation in writing to the effect that the sum is just, true, full and complete in every particular, as shown by his tax duplicate, and for such service he shall be paid by said city the sum of two cents for each name so returned; and in case the said collector shall neglect or refuse to make such return as herein provided, he shall forfeit and pay to the city the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Return of unpaid taxes to be made annually.

84. *And be it enacted*, That the clerk of said county, upon receipt of such returns, shall record the same at length in separate books provided for the purpose, respectively, for each city in his county, and shall properly index the same, which books shall be at all times open for public inspection, free of charge, and the said clerk

Returns to be recorded.

shall receive for the aforesaid service the sum of five cents for each name in said return, to be paid by the city returning the same, and it shall be lawful for said clerk in making searches, on request, for unpaid taxes, to charge ten cents per year for each name searched against.

When tax shall  
cease to be a  
lien.

85. *And be it enacted*, That in case such tax return shall not have been made at the time herein provided, or in case a name or names shall have been omitted from such return, then and in that case, such tax shall cease to be a lien upon such real estate as against a purchaser or mortgagee in good faith.

Fees and ex-  
penses incurred  
shall be paid by  
delinquent.

86. *And be it enacted*, That upon the payment of such taxes so returned, the fees, charges and expenses incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon payment of such taxes, costs and expenses, the collector who shall receive the same shall give a certificate of satisfaction thereof, duly acknowledged, to the person paying the same, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as mortgages are by law satisfied, and shall file such satisfaction piece in his office.

Portion of  
costs, damages  
&c. to be  
assessed against  
company  
owning or  
using railroad  
in street to be  
improved.

87. *And be it enacted*, That whenever any street, or part of any street, in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, or graded, paved, gravelled or macadamized, and proceedings for altering or widening, or grading, paving, gravelling or macadamizing the same shall have been taken under the provisions of this act it shall be lawful for the commissioners appointed by the city council, and whose duty it shall be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering, widening, and the costs and expenses of such grading, paving, gravelling or macadamizing among the owners of all the lands and real estate benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city, and may also be enforced in the



same manner as the assessment upon such owners of land and real estate benefited thereby.

88. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvements or performing any work in relation to the opening, altering or widening any street, the construction of any sewer or drain, the widening, levelling, grading, curbing, guttering, paving, flagging, gravelling or planking any street or sidewalk, all further action which may be necessary to carry out and complete such improvement or work, and all orders relating thereto may be done by resolution, and not by ordinance.

Work that may be done by resolution and not by ordinance.

89. *And be it enacted*, That no street, road, highway or alley shall be opened, extended, altered, widened, graded, gravelled, paved or macadamized, and no sidewalk shall be curbed, flagged, planked or cemented against the written remonstrance of persons owning one-half of the frontage on said street, road, highway, alley or sidewalk, or the portion thereof proposed to be improved; such remonstrance to be presented and filed with the city clerk within fourteen days after he shall have published in the city newspapers the intention of the said common council to pass ordinances authorizing such improvements to be made.

Street road or highway not to be opened against remonstrance of owners.

90. *And be it enacted*, That upon the petition of the owners of not less than three-fourths of the frontage of any street or section of a street, the common council shall direct such street or section of a street to be paved or macadamized according to such petition, assessing the cost thereof according to law; *provided*, that such street or section of a street shall not be less than one block.

Street may be paved on petition.

91. *And be it enacted*, That all commissioners appointed by said common council for the purpose of making assessments, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor or any person authorized by law to administer oaths, to make the assessment and estimate submitted to them fairly and impartially, according to the best of their skill and judgment, and the said common council may remove such commissioners and appoint others for any cause that to said common council may seem just; and in case of the resignation, death or disability of one

Commissioners to take oath &c.

May be removed for cause.

or more of such commissioners, it shall be lawful for the common council to fill by appointment the vacancy or vacancies thus created, without prejudice to any proceeding already taken by such commissioners.

Proceedings in case any assessment shall be set aside by judicial authority.

92. *And be it enacted*, That whenever, by reason of any informality or illegality in any proceedings of the common council, or of the commissioners of assessments, surveyors or other agent of the common council, or officers of the city, in laying out, opening, altering, widening or closing streets, avenues or public squares, or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to reinstitute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they shall see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had; or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed, or issue to remove any assessment made upon the owner or owners of land and real estate for any work or improvement made or to be made, unless the same be applied for within six months after the confirmation of such assessment by the common council of said city, and this section shall apply as well to all proceedings heretofore set aside by judicial authority by reason of any informality or illegality as to those which may hereafter be so set aside.

May contract for construction of water works.

93. *And be it enacted*, That any individual, firm or corporation, organized for that purpose, may contract with said city, on such terms as may be agreed upon, to construct and maintain water works for the purpose of supplying water to such city and the citizens thereof, for all public and private purposes; *provided*, that no such

Proviso.



contract shall be entered into, unless the same shall have been authorized by an affirmative vote of not less than four-fifths of the common council.

94. *And be it enacted*, That any contract made under the provisions of the last preceding section, shall have the signatures of the mayor and the president of the common council, and be attested by the city clerk; and the individual, firm or company, parties to such contract, shall give bonds for the faithful performance of all stipulations agreed to, in such an amount and with such securities, as the common council may direct.

Contract to be signed by mayor &c.

95. *And be it enacted*, That such contract shall provide that such individual, firm or corporation may lay water pipes under the surface of any of the streets of said city, subject to such regulations as the council may prescribe; and it shall be lawful for such individual, firm or corporation to lay water pipes under the surface of any highway within ten miles of the boundary of said city; *provided*, that such highway is not within the limits of any other city; *and provided further*, that such individual, corporation or firm shall repair and make good all injury or damage, by him, them or it, done to the road-bed of such highway, or to any bridge or other structure thereon.

Contract shall provide for the laying of water pipes &c.

Proviso.

Proviso.

96. *And be it enacted*, That if any person shall wilfully, unlawfully and maliciously in any manner pollute, or render foul or impure any stream, lake, reservoir, or other source of supply of water for any such city, or shall cut, tear or break down, destroy or damage any conduit, aqueduct or artificial water-course, made or used for the purpose of conveying water to supply such city, or any building, works, engine or other machinery for the purpose of raising or conveying water to such city, belonging to any company or person, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor not exceeding one year, or both.

Penalty for damages to water works &c.

97. *And be it enacted*, That the right to build, maintain and operate such water works under contract with any city, as aforesaid, shall not be granted by such city for a term exceeding thirty years, at the expiration of which term it shall be optional with such city to renew the

Limitation of term of contract for operating works.

contract for any term not exceeding thirty years, on such terms as may be mutually agreed upon; or in case such city and such individual, firm or corporation shall be unable to agree upon the terms of such renewal, then said city may purchase the works and all appertaining thereto at their full valuation, to be determined by the parties interested; and in the event of their not agreeing upon such valuation, then the same shall be made by three disinterested persons, one of whom is to be chosen by each of said parties, and the third to be selected by the two so chosen.

Collection of  
water rents

98. *And be it enacted*, That the common council of said city may authorize such individual, firm or corporation constructing water works under contract as herein provided, to charge and collect from each and every person supplied by them with water, such water rents as may be agreed upon by the city and such individual, firm or corporation; and said city may contract with such individual, firm or corporation for a supply of water for the extinguishing of fires, and for any other purpose necessary to the health, safety and comfort of persons and property within said city.

May pass ordi-  
nances for lay-  
ing sewers and  
drains.

99. *And be it enacted*, That the common council of said city shall have the power to pass ordinances for laying sewers and drains in said city, and beyond the limits of the same to an outlet or place of deposit at the mouth of such sewer, and for taking and appropriating the lands necessary for such purpose, making just compensation to the owners thereof, and to provide for the payment of the costs and expenses of the same, and for assessing such costs and expenses upon the persons and parties benefited thereby, according to law; and shall also have the power to acquire, by purchase or otherwise, the necessary land in some convenient place, either within or without the limits of said city, for the depositing or reception of the contents of such sewers or drains, and to provide a plan or system of works and machinery for the purpose of utilizing such contents or flow of such sewer or drains, and to deodorize the same so as to render it inoffensive so far as possible, and to provide for the sale of such deposit or the product of said works, by contract or otherwise, as may be thought best for the interest of said city.

100. *And be it enacted*, That the common council shall have power to appoint three disinterested commissioners who shall, for and in the name of the city, take and hold any lands or other real estate necessary for the construction of the sewage works provided for in this act, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient to be done respecting the same. Commissioners of sewage.

101. *And be it enacted*, That in case of any disagreement between the commissioners and the owners of any lands or rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, the circuit court in and for the county shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damage sustained or to be sustained thereby, who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to estimate such value or drainage, and report thereon to the court. Proceedings in case of disagreement between the commissioners and owners.

102. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the common council shall within two months thereafter cause to be paid to the said owner or to such person or persons as the court may direct, the sum mentioned in said report in full compensation for the property so required, or for the damage sustained as the case may be; and thereupon the said city shall become seized in fee of such property so required, and shall be discharged from all claims by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered. Payment to be made on confirmation of report.

103. *And be it enacted*, That the commissioners in behalf of the mayor and common council of said city, and all persons acting under their authority shall have the right to use the ground or soil under any road, railroad, highway, street, lane, or alley within ten miles of the boundary line of said city for the purpose of constructing the works Commissioners authorized to use ground or soil under streets &c.

duty of the city clerk to send by mail written notices of the ratification of any assessment, to each person assessed thereby within five days after such ratification.

Assessments not  
to be in excess  
of benefits.

70. *And be it enacted*, That no lands or real estate shall be assessed for any street or sewer improvement a greater amount than such lands or real estate shall be benefited by such improvement; and in case the whole expense of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury.

Assessments to  
be a first lien.

71. *And be it enacted*, That all taxes and assessments, which shall be levied, assessed or made upon any lands or tenements within the said city, shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon.

Proceedings for  
collection of de-  
linquent taxes.

72. *And be it enacted*, That in any taxes, levied under this act, together with the interest thereon, and costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of six months, from and after the time when payable, then and in every such case it shall be lawful for the common council of said city, or a majority of them, to issue their warrant, which warrant may include the names of any number of delinquent owners and the description of each of their lands, tenements, hereditaments or real estate, on account of which such taxes were assessed, under the common seal of said city, signed by the mayor thereof, and attested by the city clerk, directed to the collector of the said city, therein and thereby commanding him to make said taxes, with the interest, costs, fees, charges and expenses as aforesaid, out of the lands, tenements, hereditaments or real estate, on account of which the same were assessed and incurred as aforesaid by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant, with all his proceedings thereunder, in writing, within four months from the date thereof, to said common council.

73. *And be it enacted*, That the said warrant shall be recorded by the clerk of said city before its delivery to said collector in a book provided for the purpose to be known as the "record of tax sales."

Warrant to be recorded.

74. *And be it enacted*, That it shall and may be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lands, tenements, hereditaments or real estate under this act by advertisement signed by such collector in two newspapers printed and published in such city if so many there be, and if only one newspaper then in such paper, wherein such lands, tenements, hereditaments or real estate are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall forthwith mail a copy of such notice to the owner or owners, directed to him, her or them, at his, her or their last known post-office address, with full postage prepaid thereon; *provided*, such sale may be adjourned on application of the owner or other person interested therein, or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in the said newspapers or newspaper.

Collector to give notice of time and place of sale.

Proviso.

75. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lands, tenements, hereditaments or real estate set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of tax, interest, costs, fees, charges and expenses in detail, the year for which assessed, the time when the right to

Collector to deliver to purchaser certificate of sale.

redeem shall expire, and the date of the warrant under which the sale was made.

Collector to  
make return of  
warrant with  
all proceedings  
thereunder.

76. *And be it enacted*, That the said collector shall make return of said warrant within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto all notices required by this act, to be by him given, published, mailed and posted, with due proof of such publication, posting and mailing, together with a true copy of the certificate of sale and acknowledgment referred to in the preceding section, and that he shall annex to said return, an oath or affirmation in writing, that the said return is true, full and complete in all respects, and that the same sets forth all of his acts and proceedings under said warrant, and that true copies of all the notices required by him to be given by this act are annexed thereto, and that the certificate of sale thereto annexed is a true copy of the original given by him to the purchaser.

Return to be  
recorded.

77. *And be it enacted*, That the clerk of said city shall record such return (the warrant only excepted) and the papers thereto annexed, in the aforesaid "record of tax sales," at length immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of  
sale to be re-  
corded in office  
of county  
clerk.

78. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office within the county where the lands are situate, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate and to all the rents, issues and profits arising therefrom on and after the date of such certificate, and in case the said premises are occupied by the owner or owners thereof, the purchaser shall give notice in writing to such owner or owners, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, of such sale, and demanding possession of such premises within thirty days after service thereof as aforesaid, and at the same time exhibit to the person so served, the aforesaid certificate, and if at the expiration of the said thirty days the said owner or owners shall not deliver up possession

thereof, then and in that case the purchaser may take the same proceedings to gain possession of such lands and premises, as purchasers under execution issued upon a judgment at law.

79. *And be it enacted*, That the owner or owners, mortgagee, occupant or any other person having a legal or equitable interest in any lands, tenements, hereditaments, or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the date of such sale by paying to the purchaser or his legal representative the amount of purchase money set out in detail in said certificate with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser, upon receiving such payment, if made by the owner or owners thereof, shall re-convey and restore to such owner or owners such real estate, and in case the owner or holder of any estate in lien upon or right of possession of such real estate so sold shall pay to the purchaser within the said two years the aforesaid purchase money, interest, fees, costs, expenses and charges, the sale shall be of no farther effect, and the mortgagee or other person so redeeming shall have a lien on the said premises for the amount paid, with twelve per centum interest thereon, in like manner as if the same had been included in his, her or their mortgage, or other lien.

Property may  
be redeemed  
within two  
years from  
date of sale.

80. *And be it enacted*, That in case such lands, tenements, hereditaments or real estate so sold shall not be redeemed within in the time provided for by this act, then and in that case the common council upon due proof being made by affidavit that such redemption has not been made, and upon the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the city, signed by the mayor thereof, and attested by the city clerk, and acknowledged according to law, which deed shall contain a description of the property, the year of the tax assessment, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the clerk's office of the

Proceedings to  
be had by  
common  
council in case  
of non-redemp-  
tion of lands  
sold.



county where the lands are situate within ten days after date thereof, and if not so recorded, the same shall be of no effect until so recorded, as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record, notwithstanding the lapse of the aforesaid two years; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements, hereditaments or real estate, for and during the term for which he, she or they shall have purchased the same for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and against all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and against any and all mortgages, alienations, devise, descent, lien and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devise, descent, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty at or before the expiration of the said term to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took possession of the same, damage resulting from ordinary use and the elements excepted.

Record of tax  
sales to be  
evidence.

81. *And be it enacted*, That the aforesaid "*record of tax sales*" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Sale not to  
affect mortgage  
lien.

82. *And be it enacted*, That no sale of lands, tenements, hereditaments or real estate made in pursuance of this act, shall destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such



known as excise commissioners, one to be elected for one year, one to be elected for two years, and one to be elected for three years, and one annually thereafter, at the charter election; said commissioners shall be selected from each political party, and shall grant all licenses for the sale of spirituous, malt, and vinous liquors, and shall give bond in the sum of five hundred dollars for the faithful performance of their duties, such bond to be approved by the mayor and common council.

Commissioners shall grant licenses.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

## CHAPTER LXXXIX.

An Act to prevent the spread of contagious or infectious pleuro-pneumonia among cattle in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be brought to the notice of the governor of this state that the disease known as contagious or infectious pleuro-pneumonia exists among the cattle in any of the counties of this state, it shall be his duty to take measures to promptly suppress the disease and prevent it from spreading.

Governor to take measures to suppress the disease.

2. *And be it enacted*, That for such purpose the governor shall have power, and he is hereby authorized to issue his proclamation, stating that the said infectious or contagious disease exists in any county or counties of the state, and warning all persons to seclude all animals in their possession that are affected with such disease or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease as the nature thereof may, in his judgment, render necessary or expedient; to order that any premises, farm or farms where such disease

Authorized to issue proclamation.

shall receive for the aforesaid service the sum of five cents for each name in said return, to be paid by the city returning the same, and it shall be lawful for said clerk in making searches, on request, for unpaid taxes, to charge ten cents per year for each name searched against.

When tax shall  
cease to be a  
lien.

85. *And be it enacted*, That in case such tax return shall not have been made at the time herein provided, or in case a name or names shall have been omitted from such return, then and in that case, such tax shall cease to be a lien upon such real estate as against a purchaser or mortgagee in good faith.

Fees and ex-  
penses incurred  
shall be paid by  
delinquent.

86. *And be it enacted*, That upon the payment of such taxes so returned, the fees, charges and expenses incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon payment of such taxes, costs and expenses, the collector who shall receive the same shall give a certificate of satisfaction thereof, duly acknowledged, to the person paying the same, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as mortgages are by law satisfied, and shall file such satisfaction piece in his office.

Portion of  
costs, damages  
&c, to be  
assessed against  
company  
owning or  
using railroad  
in street to be  
improved.

87. *And be it enacted*, That whenever any street, or part of any street, in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, or graded, paved, gravelled or macadamized, and proceedings for altering or widening, or grading, paving, gravelling or macadamizing the same shall have been taken under the provisions of this act it shall be lawful for the commissioners appointed by the city council, and whose duty it shall be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering, widening, and the costs and expenses of such grading, paving, gravelling or macadamizing among the owners of all the lands and real estate benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city, and may also be enforced in the

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

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## CHAPTER XC.

A Further Act respecting county physicians.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person appointed as county physician in any county of this state shall receive an annual salary greater than fifteen hundred dollars, and it shall not be lawful for any board of freeholders to fix a salary at an amount exceeding said sum. Maximum salary allowed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

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## CHAPTER XCI.

An Act for the government of cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having vacant corners at the intersection of any of the streets, the titles to which land is in the said city or cities, or in the inhabitants thereof, by virtue of will or grant, the city council or board of aldermen of such city or cities, by a two-thirds vote thereof, shall be authorized to sell and convey the same in fee; *provided*, that no Authorized to sell and convey land. Proviso.

sale thereof shall be made without the written consent of the owners of lots fronting on said vacant corners.

Money to be  
paid into city  
treasury.

2. *And be it enacted*, That all moneys received from the sale of said vacant corners shall be paid into the treasury of the said city where said vacant lots are situate.

Not to app'y to  
certain cities.

3. *And be it enacted*, That the provisions of this act shall not apply to cities of this state having, by the last state census, a population exceeding fifty thousand, and that this act shall take effect immediately.

Approved March 13, 1879.

## CHAPTER XCII.

An Act to provide increased facilities for lighting and heating the New Jersey state prison:

Inspectors to  
procure esti-  
mates of cost.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in the opinion of the governor of this state, it shall be deemed advisable and necessary to construct additional gas retorts and steam boilers, at the New Jersey state prison, the board of inspectors of the state prison shall have power to procure estimates of the cost of said work and to execute the same; *provided*, that the estimates and contracts therefor shall be first approved by the governor.

Proviso.

Costs to be paid  
on warrant of  
comptroller.

2. *And be it enacted*, That the cost of the execution of said work shall not exceed the sum of four thousand dollars and be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys not otherwise appropriated; and that this act shall take effect immediately.

Approved March 13, 1879.

## CHAPTER XCIII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for corporations organized under the act to which this is a supplement, and the acts supplementary thereto, to issue, sell and dispose of tickets for passage upon the railroads of such corporations at less than the rates limited in the act to which this is a supplement; which tickets shall be good and shall entitle the holder or holders thereof to passage only for a limited number of days after the date of the issue thereof, which limit shall be clearly and duly stated and set out upon the ticket. Authorized to sell tickets at less than limited rates.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 13, 1879.

## CHAPTER XCIV.

A Further Supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, the board of managers of the State Asylum for the Insane, at Morristown, New Jersey, consists of seven members, five of whom were appointed by the governor and senate, in the year one thousand eight hundred and seventy-one, and two by the legislature, in joint meeting, in the year one thousand eight hundred and seventy-four, all of whom hold their offices for indefinite terms, subject only to the pleasure of the legislature; *and whereas*, the managers of the New Jersey State Lunatic Asylum, at Trenton, are ten in number, appointed by the supreme court for five years, two retiring annually; *and whereas*, it seems desirable to have a uniform system of appointing the managers for both asylums, and to provide for rotation in the office of manager; *and whereas*, several of the managers of the State Asylum for the Insane, at Morristown, New Jersey, reside in counties that send all their patients to the asylum at Trenton, while several of the most populous counties in the state, that send their indigent insane to the asylum at Morristown, are unrepresented in the board of managers thereof; now, therefore,

The governor empowered to appoint three additional managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the passage of this act the governor by and with the advice and consent of the senate shall appoint three additional members of the board of managers of the State Asylum for the Insane, at Morristown, New Jersey, said members to be appointed from counties sending their indigent

insane patients to said asylum, and not now represented in said board of managers.

2. *And be it enacted*, That in February next, the members of said board of managers shall classify themselves by lot, so that two shall go out of office in the year one thousand eight hundred and eighty-one, and two in every year thereafter, and they shall hold their office until others are appointed in their stead, subject to being removed for cause, at any time, by the governor; their successors shall be appointed in like manner by the governor, and shall hold their offices for five years, and until others are appointed in their stead, and subject to be removed in the manner aforesaid; the governor at any time by the advice and consent of the aforesaid may fill vacancies in the board, but the person appointed to fill the vacancy shall only serve under such appointment for the unexpired term of the person whose place he is to supply. Term of office.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.

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## CHAPTER XCV.

A Supplement to "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all in foreclosures of mortgages and the sale of mortgaged premises, where the amount due does not exceed three hundred dollars, the fees of the solicitor, clerk, chancellor, master and examiner, sheriff, or any other official, are hereby reduced one-half of the amount now fixed by law. Reduction of fees.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.  
Approved March 13, 1879.

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## CHAPTER XCVI.

### An Act concerning roads.

Time for holding election for overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Friday next preceding the second Tuesday of April, annually.

Notice to be given of time and place of meeting.

2. *And be it enacted*, That the town clerk of each of such townships shall give notice of the time and place of holding meetings for such elections, such notice to be signed by him and set up in a public place in each of such road districts five days before the time of holding such elections.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1879.



## CHAPTER XCVII.

A Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in all incorporated cities having a population of not less than four thousand, and not exceeding a population of six thousand, and in towns having a population less than one thousand, in counties of this state, such counties having a population of not less than thirty-seven thousand, and not exceeding forty thousand, by the census of one thousand eight hundred and seventy-five, the license to keep inns and taverns, ale or beer saloons, shall be granted by the inferior court of common pleas of the county wherein such city and towns is located, and the money received for all such licenses shall be paid over, by the collector of such county, to the treasurer, collector or other proper financial officer of the city and towns in which such license shall be granted. License to be granted by court of common pleas in certain cities and towns.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved March 13, 1879.

## CHAPTER XCVIII.

## An Act concerning cities.

Compensation  
to be paid comp-  
troller, by  
whom fixed.

Proviso.

Proviso.

Comptroller to  
make annual  
statement.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council or city council of any incorporated city of this state, to determine and fix the amount of salary or compensation which shall be paid to the comptroller of any city; *provided*, that this act shall apply only to cities having by the census of one thousand eight hundred and seventy-five, a population exceeding fifty thousand, and less than one hundred thousand inhabitants, in which the salary of the comptroller shall not exceed the sum of three thousand dollars per annum, and to cities having by the same census a population exceeding twenty-five thousand and less than fifty thousand inhabitants, in which the salary of the comptroller shall not exceed the sum of two thousand five hundred dollars per annum, and to cities of less than twenty-five thousand inhabitants in which the salary shall not exceed the sum of two thousand dollars per annum; *provided, however*, that nothing in this act shall be construed or held to permit any increase in the salary of comptroller in any city of this state beyond that paid for the year eighteen hundred and seventy-eight.

2. *And be it enacted*, That it shall be the duty of the comptroller to give the board of aldermen or common council or city council a statement in detail of the financial condition of said cities at least once in each year, and oftener if required, by said board of aldermen or common council or city council, or on written application of one-fourth the members thereof.

3. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts repugnant to the

provisions of this act, be and the same are hereby repealed.

Approved March 14, 1879.

## CHAPTER XCIX.

An Act for the appointment of a special tax commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state by Governor to appoint commissioners. and with the advice and consent of the Senate, shall appoint a special tax commission for the purpose of investigating the subject of taxation in this state and the laws relating thereto, and advising such changes and improvements therein as to them shall seem most likely to promote the agricultural, commercial, manufacturing and other interests of the people of the state, and the governor of the state is hereby authorized and empowered to fill all vacancies which may occur in said commission.

2. *And be it enacted*, That the said commission shall Duties of the commissioners. make a full and thorough investigation of the manner in which the different kinds of property and the various industries and occupations of the people of the state are affected by existing laws relating to taxation, together with any defects, discrepancies or inequalities in such laws, and shall report to the legislature at its next session; submitting with such report, if they shall deem it advisable, the provisions of a general tax law.

3. *And be it enacted*, That the members of said commis- Compensation. sion shall receive compensation for their services at the rate of five dollars each per diem, for the time actually and necessarily employed in performing the duties prescribed in the foregoing sections, together with their travelling and hotel expenses actually and necessarily incurred; *provided*, that the time for which compensation shall be Proviso. allowed to any member shall not in any case exceed fifty days; and that a clerk may be employed by the commis-

May employ  
clerk.

Expenses, how  
paid.

sion at a compensation not to exceed two and a half dollars per diem, and for a period not to exceed sixty days.

4. *And be it enacted*, That the treasurer of the state is hereby authorized and directed to pay, on the warrant of the comptroller, the expenses incurred under the provisions of this act and properly certified by the chairman of the commission, including the necessary cost of postage, stationery and printing, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER C.

An Act to amend an act entitled "A Supplement to an act entitled 'An act concerning mortgages,'" approved March twenty-seventh, one thousand eight hundred and seventy-four [Revision], which supplement was approved February twenty-sixth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered ten of said supplement, which reads as follows, viz:

Section to be  
amended recit-  
ed.

"10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in any such suit shall be thirty cents for each folio," be and the same is hereby amended so that the same shall read as follows, viz:

Section as  
amended.

10. *And be it enacted*, That the fees of the solicitor for drawing and engrossing a bill in such suits shall be five dollars, and no more.

2. *And be it enacted*, That this shall be deemed a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CI.

A Supplement to an act regulating proceedings in criminal cases [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and thirteen of the act to which this is a supplement, which section reads as follows, viz :

"113. *And be it enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other offence punishable with death, (murder excepted), unless the indictment for the same shall be found by a grand jury, within three years next after the treason or other offence punishable with death shall be done or committed; nor shall any person be prosecuted; tried or punished for any offence not punishable with death, unless the indictment shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid; *provided*, that nothing herein contained shall extend to any person or persons fleeing from justice," be and the same is hereby amended, so as to read as follows, viz :

113. *And be it enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other offence punishable with death (murder excepted) unless the indictment for the same shall be found by a grand jury, within three years next after the treason or offence punishable with death, shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not punishable with death, unless the indictment shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid; *provided*, that any person holding, or having

Section to be amended recited.

Section as amended.

Amendment.

held, or who may hereafter hold any public office or employment, or exercise the functions of such office or employment, either under this state, or any county, city, borough, town or township therein, whether elective or appointive, may be prosecuted, tried and punished for any fraud, malfeasance or other misconduct committed whilst in such office or employment, where the indictment has been or may be found within five years from the time of committing the offence aforesaid; *and provided further*, that nothing herein contained shall extend to any person or persons fleeing from justice.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CII.

### An Act concerning cities.

Powers of common council or board of aldermen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state, shall have power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

To license peddlers, hackmen, &c.

I. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, peddlers, hucksters, pawn-brokers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities, and to fix the rates of compensation to be allowed to them and to fix the sums to be paid for such licenses to the city treasurer of any such city;

II. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection; and to enforce the observance of all such ordinances and by-laws, by enacting penalties for the violation thereof, either by imprisonment in the county jail or city prison, not exceeding ten days or by fine not exceeding twenty-five dollars, recoverable with costs in an action of debt in the name of the treasurer of such city, before the mayor or other magistrates thereof, for the use of the said city and it shall be lawful for the mayor or other magistrate of any said city before whom any such judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment under his hand and seal directed to the keeper of the county jail or city prison.

To regulate  
weights and  
measures.

Penalty.

2. *And be it enacted*, That the common council or board of aldermen of any city of this state may hereafter annually appoint, by a majority of the votes of all its members a sealer of weights and measures for said city, who shall hold his office for one year unless sooner removed and until his successor shall be appointed and qualified, and who shall possess the powers and be subject to the obligations conferred and imposed on him by law or by the ordinances, by-laws, rules and regulations of the common council or board of aldermen of such city, and on application for that purpose the superintendent of weights and measures of this state, shall allow and assist any such sealer of weights and measures to compare and adjust the standard of weights and measures for said city and shall certify and seal the same in the manner required by law; *provided*, that nothing in this act contained shall in any way affect any like powers heretofore granted to the common council or board of aldermen of any city of this state.

Appointment  
of sealer of  
weights and  
measures.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CIII.

An Act authorizing the counties of this state to renew matured and maturing bonds.

Seventy five  
per cent. of  
indebtedness  
may be re-  
newed by  
issuing bonds.

Rate of interest.

Not to be sold  
at less than par  
value.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew seventy-five per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding ten years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall have coupons attached for every year's interest until due, and which coupons shall be signed by the director of said board and attested by the clerk thereof, and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this act shall be numbered and a register of such numbers, and the date of issuing, and the time of payment shall be made by the county collector or clerk of the said board of chosen freeholders, in a book to be provided for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value; and all the real estate and pro-



perty within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor shall it be held to interfere with or affect the renewal of bonds renewed by virtue of the provisions of any special act heretofore passed.

May not issue bonds in certain cases.

2. *And be it enacted*, That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Payment of bonds to be provided for by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CIV.

A Supplement to an "Act to authorize the purchase of steam fire engines, &c., in incorporated towns, and providing means for the payment of the same," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in incorporated towns or boroughs in which there shall be no mayor and common

Commissioners or other authorities to have like powers as

mayor or common council.

council, it shall be lawful for the board of commissioners or other authorities constituted for the government of said towns or boroughs to have the same powers and perform the same duties as the mayor or common council have in the act to which this act is a supplement.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CV.

An Act to provide for the establishment of schools for industrial education.

State board of education may establish industrial schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of education may, in their discretion, establish schools for industrial education, upon the application of not less than ten citizens of this state, who shall agree to pay a suitable part of the expense of maintaining any such schools; and the said board of education shall have power to prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the provisions of this act.

Object.

2. *And be it enacted*, That such schools, when organized, shall be for the training and education of pupils in any industrial pursuits now established in this state, including agriculture, so as to enable them to perfect themselves in the several branches of industry which require technical instruction.

Board of trustees, their powers and duties.

3. *And be it enacted*, That there shall be a board of trustees of each of such schools, to consist of five members, who shall have control of the buildings and grounds owned or used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment of teachers, and the power of removing the same, the power to prescribe the

studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state board of education their own doings, and the progress and condition of the schools.

4. *And be it enacted*, That the said trustees shall consist of the governor, ex-officio, who shall be president of the board, two persons to be selected by the state board of education, one selected by the citizens contributing, and one to be appointed by the common council or township committee of the locality where such school is established. Board of trustees, how constituted.

5. *And be it enacted*, That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be paid upon the approval of the governor. Expenses, how paid.

6. *And be it enacted*, That any city, town, township or county, shall have the power to appropriate for the support of any such school such amount as they may deem expedient and just. Support of school.

7. *And be it enacted*, That the said school shall be supported, (1) by the amount received from tuition fees; (2) by the money contributed by petitioning citizens; (3) by the amount appropriated by the city, town, township or county; and (4) by the amount contributed by the state board of education; *provided, however*, that the sum annually contributed by the said board shall not exceed the sum of one thousand dollars, nor shall any one school receive more than five hundred dollars of said amount; and the treasurer is hereby authorized to pay, upon the warrant of the comptroller, approved by the governor, such sum, not exceeding the amount above specified, as may be called for by the trustees. How supported. Proviso.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CVI.

An Act to provide for the further relief of the poor.

Increase of ap-  
propriation au-  
thorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities, boroughs and towns having fifty thousand inhabitants and upwards, has been already expended, or is or may be inadequate and insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city or town, or in the absence of such board, then the common council, or other authority or board of any such city, borough or town, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*, such additional appropriation shall not exceed ten thousand dollars; *and provided further*, that it shall be the duty of such board or common council thus making appropriation to adopt and enforce such measures and regulations respecting the disbursing such appropriation or otherwise relieving the poor in amount thereof, as in their judgment will seem a prudent, wise and economical expenditure of such appropriation, and afford the desired aid to the poor.

proviso.

proviso.

May borrow  
money in an-  
ticipation of  
taxes to be  
levied.

2. *And be it enacted*, That said board or common council is hereby authorized to borrow the amount of money which such board or common council may by this act appropriate, for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper evidence or evidences of indebtedness therefor, to be signed by the mayor, sealed by the city, borough or town seal, and attested by the clerk; and the said board or common council, as the case may be, shall provide for the repayment of the said borrowed money in

the tax levy to be made next thereafter, unless the same be previously paid, and it is hereby made the duty of said mayor to sign, and the said clerk to attest and seal with the corporate seal such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CVII.

An Act concerning the erection of school houses in cities of a certain class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of not less than ten thousand nor more than fifteen thousand inhabitants, according to the census of the year one thousand eight hundred and seventy-five, where there are boards of education, it shall be lawful for the common councils of said cities, or any or either of them, at the request of the board or boards of education of such respective city or cities, from time to time, to borrow any sum or sums of money, not exceeding in the whole the sum of twenty thousand dollars in each city, for the purchase of land and the erection of a school house or school houses thereon in such respective city or cities, and to secure the payment of such sum or sums in such manner and upon such terms as may have been provided, in and by the charters of such respective cities, for securing the payment of borrowed moneys.

Common council in certain cities may borrow money for the purchase of land and erection of school houses.

2. *And be it enacted*, That such moneys so borrowed shall be expended by such boards of education respectively, for the purposes aforesaid, in the manner provided in and by such respective charters; and if any of said

Board of education to have charge of the expenditures.

moneys shall be left unexpended in any year then current, the same shall be charged to and deducted from the amount or amounts of money appropriated for school purposes in such respective city or cities, in and for the year or years then next ensuing.

Annual sum to  
be raised by  
tax.

3. *And be it enacted*, That there shall be raised, with the general tax levy of each year, the sum of eighteen hundred dollars, to be used for the payment of the bonds, principal and interest, therein mentioned as they fall due from time to time, such amounts to be passed over to the commissioners of the sinking fund from time to time as collected, and be governed by the same provisions as the street improvement bonds authorized by section four of supplement to the charter, approved in one thousand eight hundred and seventy-three.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CVIII.

An Act to provide ways and means to defray the state expenditures.

Amount of  
state tax to be  
assessed of one-  
half of one mill  
on each dollar  
of valuation  
contained in  
abstract of  
ratables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected on the real and personal property in this state, as exhibited by the abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-eight, and filed in the office of the comptroller of the treasury, a state tax of one-half of one mill on each dollar of the valuations contained in the said abstracts; and the proceeds of the said tax are hereby appropriated and shall be applied as follows: there shall be paid to the commissioners of the sinking fund such sum as the laws

of this state shall require to be paid from the state treasury on account of the maturing principal of the public debt authorized by "An act authorizing a loan for the purposes of war," &c., approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto, and the residue of the proceeds of the said tax shall be paid into the state fund, and shall be appropriated and applied to defraying the necessary expenses of the state; which tax and the sums required to be raised for county, city, township or other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the laws of this state which shall be in force at the time the said taxes are assessed.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax and at the rate aforesaid among the several counties, in proportion to the amount of real and personal estate taxable in said counties respectively, as shown by the abstracts respectively as aforesaid, and it shall be his duty to transmit within thirty days after the approval or passage of this act, to the county collector of each county a statement of the amount of said tax apportioned to said county; and the said collector shall lay said statement before the assessors of the townships and wards within his county at their next meeting to apportion the city and township taxes, and the said assessors shall thereupon proceed to assess said tax according to law; and it shall be the duty of the collectors of the several counties to pay to the state treasurer the quotas of the said tax due from their respective counties out of the first moneys which shall be paid to them by the several city, township or ward collectors of their respective counties, any local or special law to the contrary notwithstanding.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties printed forms, on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which form there shall be printed the oath which the assessors are required by law to take, and no abstract of the amount of ratables shall be deemed to have been made according to law unless

Proceeds, how  
appropriate 1.

Comptroller to  
transmit to  
county collector  
a statement of  
tax apportion-  
ed to county.

Comptroller to  
furnish printed  
forms for  
returns of  
amount of  
ratables.

said oath shall have been taken by each member of the board of assessors; and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the oath as herein provided.

Authorized to dispose of or pledge any securities now in state fund when necessary.

4. *And be it enacted*, That the governor, comptroller and treasurer of the state be and they are hereby authorized to dispose of or pledge any securities now in the state fund, whenever it may be, in their judgment, or in the judgment of a majority of them expedient or necessary so to do, in order to meet the lawful demands upon the treasury; and the proceeds of any securities so disposed of or pledged shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful state expenditures.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CIX.

A Supplement to an act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns."

Capturing, killing, hunting or shooting, geese, brant or ducks, in certain waters at certain seasons, prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to kill, capture, hunt or shoot, or shoot at, in, on, or over that part of the waters of Barnegat Bay and its tidewater tributaries, north of a line from Good Luck Point to the hotel called and known as the Bond House, opposite to Good Luck Point, any geese, brant or ducks, at any time in the night, that is to say between sunset and sunrise; nor shall it be lawful, at any time, to kill, capture or hunt any geese, brant or ducks, in, on or over the waters aforesaid, except only between the



fifteenth day of October and the first day of May, yearly and every year; *provided*, that there shall be nothing in this act to prevent shooting geese from the land north of the above mentioned line, between the fifteenth day of October and the first day of May, yearly and every year. Proviso.

2. *And be it enacted*, That it shall not be lawful for any person or persons, at any time, to sail for, shoot or shoot at any geese, brant or ducks from any boat or boats, vessel or vessels, propelled by steam or sail, or from any boat or boats or similar structure or structures, anchored or staked upon the waters of that part of Barnegat Bay or its tidewater tributaries, north of the line mentioned in the first section of this supplement; *provided*, that nothing in this section shall prevent shooting from the ice. Shooting from boats or vessels prohibited.

3. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person or persons to kill, destroy, take, decoy or drive in boats on the waters or about the shore of Mosquito Cove, being a part or arm of Barnegat Bay, or any of the creeks or streams emptying into said Mosquito Cove any wood duck, black duck, teal or other kind of duck or brant except only on Mondays, Wednesdays and Fridays, and then only between sunrise and sunset of each day of each week between the first day of September and the first day of May, yearly and every year. Shooting &c., of certain kinds of water fowl prohibited except on certain days and at certain seasons.

4. *And be it enacted*, That every person offending against the provisions of this act shall, for each and every offence, forfeit and pay the sum of twenty dollars, to be sued for and recovered, with costs, in an action of debt, before any justice of the peace in this state, by any person who shall sue for the same, and on non-payment thereof such offender shall be committed to the workhouse or common jail of the county for any period not exceeding sixty days, and until said fine and costs are paid. Penalty for offending.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act, so far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 14, 1879.

## CHAPTER CX.

A Further Supplement to "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Supreme court  
or a justice  
thereof empow-  
ered to pre-  
scribe the  
nature of notice  
to be given, and  
order its publi-  
cation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment for the costs, charges and expenses of laying out or opening any public road, avenue or street, or of grading, paving, flagging or otherwise improving the same, or of the construction of any sewer, or of any other local or public improvement, shall have been or shall be set aside or reversed on certiorari, either in whole or in part, and commissioners shall be or shall have been appointed by the supreme court to make a new assessment, in whole or in part, or whenever by reason of the setting aside or reversal as aforesaid, the same commissioners which have already acted (including any other commissioner legally substituted in the place of any of them), shall have power to make a new assessment, in whole or in part, and the statute or statutes under which said commissioners are required to perform their duties, make no special provision or a defective provision, for a notice to be given to the parties interested, for a hearing before the said commissioners, it shall be lawful, and the supreme court or a justice thereof, is hereby empowered to prescribe the nature of the notice to be given, and to order its publication for such length of time, in any of the newspapers of this state, as the court or justice may consider proper and sufficient.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXI.

An Act for the support and relief of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly* <sup>Amount of appropriation.</sup> of the State of New Jersey, That for the maintenance of the said school, the sum of thirty thousand dollars be and the same is hereby appropriated.

2. *And be it enacted*, That for the erection of a family <sup>How expended.</sup> house, to relieve the crowded condition of the school, and furnishing the same, the sum of six thousand five hundred dollars be and the same is hereby appropriated.

3. *And be it enacted*, That for the securing a supply <sup>Water and drainage.</sup> of pure water, and making of necessary drainage, to remedy the sanitary condition of the institution, the sum of three thousand five hundred dollars be and the same is hereby appropriated.

4. *And be it enacted*, That for the erection of a hospital <sup>Hospital.</sup> for the sick, separate and apart from the other buildings, and furnishing the same, the sum of three thousand dollars be and the same is hereby appropriated.

5. *And be it enacted*, That the treasurer of the state be <sup>Treasurer to pay on warrant of comptroller.</sup> and he is hereby directed to pay on the warrant of the comptroller, the several sums specified in this act to the trustees of said school.

6. *And be it enacted*, That the several provisions of this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries."

**Amount of appropriation.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars be, and is hereby appropriated for the current expenses of the said bureau, which amount shall include every expense except printing; the printing of the necessary blanks, pamphlets, etc., shall be paid for in the same manner as is provided for all other state reports presented to the legislature.

**Salary of secretary.**

2. *And be it enacted*, That the assistant provided for in the fourth section of the act to which this is a supplement, be and is hereby constituted secretary of said bureau, and he shall receive an annual salary of twelve hundred dollars.

**State treasurer to pay money appropriated.**

3. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money not otherwise appropriated, the sums provided for in the first and second sections of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXIII.

An Act respecting religious societies incorporated under special acts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in the election of the trustees of any religious society incorporated by special acts, it shall not be necessary as a qualification for such election that such trustees shall be members of the church in which such corporation exists; *provided always*, that they are attending members of the congregation, and contribute to the support of the church of which they may be elected trustees; *and provided also*, that at least a majority of the trustees elected shall be members of such churches in good and regular standing.

Qualification of trustees.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXIV.

An Act to limit and restrict expenditures by boards of chosen freeholders in this state, and to determine the compensation of such freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state where there is now by law an annual salary paid to members of said boards of chosen freeholders, it shall not be

Annual salary to be in lieu of all other fees or compensation.

lawful for any member of any of said boards to receive any other or further sum than the annual salary aforesaid, by virtue of his office or position as chairman of any regular committee or committees of said board, but the said annual salary shall be in lieu of all other fees, compensation or emoluments whatever.

Penalty for demanding or receiving other compensation than salary.

2. *And be it enacted*, That any member of any said board of freeholders who shall take, demand or receive any compensation other than such annual salary as aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be punished by a fine of not more than two hundred and fifty dollars, in the discretion of the court.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with this act, general or special, be and they are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXV.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

Title to any turnpike road &c., vested in board of chosen freeholders, to be deemed and taken as a county road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county in this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and

expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed or appropriated in said county; and it shall be lawful for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes are raised; *provided, however*, that whenever there exists in any county of this state a county workhouse or prison for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county.

How maintained and kept in repair.

Proviso.

2. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXVI.

An Act to allow cities in the state of New Jersey to issue registered bonds in lieu of coupon bonds heretofore issued, or which are authorized by law to be hereafter issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where coupon bonds have been heretofore issued, according to law, or in which coupon bonds have been authorized by law to be issued, but have not as yet been issued, the proper financial authorities may hereafter issue, either coupon or registered bonds; where bonds have been authorized to be issued, but have not been so issued, and where coupon bonds have already been issued, according to law, such financial authorities may, upon the application of any legal holder or holders of such coupon

Registered bonds may be issued in exchange for coupon bonds.

bonds, and at their expense, issue registered bonds in exchange for such coupon bonds, to run for the period such coupon bonds have yet to run at the time of making such exchange, and at a legal rate of interest, and the coupon bonds so received in exchange for such registered bonds shall be cancelled.

Bonds to be  
registered in  
proper books.

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registering thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books, and shall have power to determine in what amounts such bonds shall be issued.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXVII.

A Supplement to an act entitled "An act constituting courts for the trial of small causes."

When an alias  
or pluries exe-  
cution may  
issue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any judgment is obtained in any court for the trial of small causes in this state, and an execution shall issue thereon, and be returned by the constable to whom it has been delivered to be executed, endorsed to the effect that he could not find personal property of the party against whom the execution was issued, on which to levy, or that he had levied and sold goods and chattels, and had made thereof part of said judgment, and that the same was not fully satisfied and stating the balance still unsatisfied, and if the person against whom such execution shall have been issued, and returned as aforesaid, shall reside in or be possessed of goods and chattels, in any other county of this state, than that in which such execution shall have been issued and



returned as aforesaid, then an alias or pluries execution may issue, as the case may be, out of said court, directed to any constable in the county where said person against whom such execution may issue, shall at that time reside or be found, or be possessed of goods and chattels, and it shall be the duty of the constable to whom such execution shall be given to carry it to some justice of the peace of the county wherein said person or goods and chattels may be found, and the justice to whom the same shall be presented, on proof being made to him of the hand writing of the justice of the peace who issued such execution shall endorse his name thereon, with an authority to make levy and sale of the goods and chattels of said person in the same manner as in other cases on executions issuing out of the court for the trial of small causes, which execution shall be returned to the justice issuing the same, in the same manner as in other cases.

Execution how  
directed and  
served.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 14, 1879.

## CHAPTER CXVIII.

An Act to amend an act entitled "An act relative to trustees" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act relative to trustees" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Amendment.

## Preamble.

WHEREAS, the acts relating to descents have always been construed not to extend to estates granted or devised to trustees so that the estate descended to the heir at common law, but doubts have been suggested whether the act respecting joint tenants and tenants in common does not apply to estates granted or devised to trustees, although the same reason of convenience applies to both cases, and the survivor or survivors should take the legal estate and such doubts should be set at rest; therefore,

Estates devised to trustees, shall be construed to vest an estate of joint tenancy in such trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all estates heretofore or hereafter granted or devised to trustees, shall be construed to have vested and to vest an estate of joint tenancy in such trustees, and in case any trustee has been or shall be removed, and a conveyance or devise has been or shall be made by the trustee or trustees so removed, to the old and new trustee or to new trustees, such conveyance or devise shall be construed to vest in the old and new trustee or the new trustees an estate in joint tenancy notwithstanding the want of any unity; and in case any trustee or trustees have resigned or died, or shall hereafter resign or die, or the office of any such trustee become vacant for any cause and a new trustee or new trustees be appointed, the surviving trustees, if any there be, and the new trustee or trustees shall hold the trust estate as joint tenants, and a conveyance from the surviving trustees of a right and interest in the trust estate to such new trustee or trustees, shall vest in all the trustees an estate in joint tenancy notwithstanding the want of any unity.

Approved March 14, 1879.

## CHAPTER CXIX.

An Act defining the powers and duties of directors at large of boards of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the powers and duties to be exercised by the director at large of each and every board of chosen freeholders of this state shall be as follows, viz: he shall act as the presiding officer of the board and perform all the duties usually appertaining to a presiding officer, but shall have no vote in the board except in the case of a tie; he shall appoint all committees provided for by the board, by resolution or otherwise; he shall sign or countersign all warrants or orders for the payment of money; and he shall have power to veto or disapprove of any action of the board within ten days thereafter, but in case he does veto or disapprove, he shall communicate in writing the cause or grounds of his disapproval to the board at the first meeting thereof, held for the transaction of general business, next after the expiration of said ten days, at which meeting the board, after directing the objections to be entered at large in the minutes, shall proceed to consider the same, and if the board shall not, by a vote of two-thirds of all the members thereof, decide to approve or ratify the action disapproved or vetoed by the director, then the same shall be void; in case he fails or neglects to sign or take action to approve or disapprove of any action of the board, within the time above limited, then the same shall take effect as if it had been signed or approved of by him.

Director to be the presiding officer.

General powers.

Veto power.

Proceedings in case of veto.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXX.

A Supplement, to the act entitled "An act to authorize the formation of gas light corporations and regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

May not refuse  
to furnish gas  
by reason of a  
gas bill remain-  
ing unpaid by a  
former occu-  
pant.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any gas light corporation to refuse to furnish or supply gas, to or for any building or premises, by reason of a gas bill remaining unpaid by any previous occupant of said building or premises; *provided*, the person or persons applying for gas shall not be in arrears to the said gas light corporation, for gas previously furnished to or for said building or premises, or furnished to or for any other building or premises.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXI.

A Supplement to an act entitled "An act relating to the assessment and revision of taxes in cities of this state," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement, and which section reads as follows:

"3. *And be it enacted*, That the provisions of this act <sup>Repealer.</sup> shall not apply to cities having a population of less than one hundred thousand inhabitants," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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CHAPTER CXXII.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-fourth, one thousand eight hundred and seventy-four.

WHEREAS, There exist in the several counties of this <sup>Preamble.</sup> state duly incorporated charitable institutions known as "children's homes," having for their object the care, management and support of children who, from any

cause whatever, may be considered entitled to charity and deserving of assistance, and affording them the advantages of moral, religious and useful training, thereby relieving the several counties of the support of such children at the county poor houses; therefore,

Application for relief of poor children under twelve years of age.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any application shall be made to any overseer of the poor of any township of this state for the relief and in behalf of any poor child or children under twelve years of age, in accordance with section thirty-one of the act to which this is a supplement as now amended, it shall be lawful for a majority of the judges of the court of common pleas of the several counties where children's homes may be located to make an order committing such child or children to the care and control of the trustees or managers of any such duly incorporated children's homes, subject to the approval of such trustees or managers, and shall keep a record of the date of such commitment, the name and age of the child committed as nearly as can be ascertained, and report the same to the board of chosen freeholders of the said county who are hereby authorized and empowered to pay out of the funds belonging to said county, to the trustees or managers of such homes as have received the child or children so committed to them, a sum not exceeding one dollar and fifty cents a week for each and every child during their continuance in such home, as and for the board, maintenance and education of such child until it attains the age of fifteen years, and the county collector of said county is hereby authorized to pay the same upon an order drawn upon him for that purpose; and the said trustees or managers of such homes shall make an annual report to the said board of freeholders, giving the dates of all commitments made to them, the names and ages of all children so committed, and the places from which they were committed as nearly as can be ascertained, and the amount of moneys received by them each year for their support, so that said freeholders shall at all times be correctly informed as to the faithful disposition of the moneys appropriated by them for that purpose; *provided*, that the provisions of this act shall not apply to counties

Commitment to incorporated childrens' homes.

Expenses for maintenance and education, how provided.

Proviso.

in which there is a city of over twenty thousand inhabitants.

2. *And be it enacted* That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXXIII.

An Act extending the charters of the owners of certain fisheries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts for the incorporation of the owners of certain fisheries in any township of this state which, according to the terms of their several charters, and the amendments thereto, shall expire during this current year, be and the same are hereby continued and extended for and during the term of twenty years from and after the times in their charters limited for their continuance. Term extended twenty years after time in charter limited.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXIV.

A Supplement to an act entitled "An act for the preservation of fish," approved April fifth, one thousand eight hundred and seventy-eight.

## Preamble.

WHEREAS, Section one of the act to which this is a supplement, provides "That hereafter it shall not be lawful for any person or persons, either by day or night, to put, place or haul any gill, drift or other net or nets, for the taking or catching of fish in any of the waters of this state (except as hereinafter provided) at any time between the fifteenth day of May and the fifteenth day of July in each and every year;" *and whereas*, the said act is susceptible of a construction adverse to the interests of the shad and herring fisheries of the state; therefore,

## Time for closing shad and herring fisheries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prohibition in the said act as to fishing after the fifteenth day of May, shall not be held to forbid the operation of the shad and herring fisheries of the state, to the tenth day of June, south of Trenton Falls, and to the fifteenth day of June, north of Trenton Falls, as now provided by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



## CHAPTER CXXV.

## An Act for the protection of the fishing interests of this state.

WHEREAS, During the past six years efforts have been made on the part of the fish commissioner of the United States and the commissioners of fisheries of the states of New Jersey and Pennsylvania, to stock the waters of those states with salmon, and particularly to stock the Delaware river, with a view to making that river a salmon producing stream, for which purpose considerable sums of money have been expended by the two states above named; *and whereas*, the number of salmon taken during the last shad fishing season furnishes evidence that these efforts will meet with the anticipated success, and the revenues from our river fisheries be greatly increased if sufficient protection is afforded to these fish to allow them to ascend the river at the spawning season, and continue by natural process the work of populating the waters; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the term of three years from the passage of this act it shall not be lawful for any person to take from the Delaware river, or from any of the tributaries of said river within the jurisdiction of this state, any salmon or grilse, with any seine, fike net, gill net, drift net, pound, weir, rack or any other appliance or device, nor in any manner except with rod, hook and line in the manner usually known as angling; nor shall it be lawful for any person to have in his possession any salmon or grilse taken from the said waters by any of the devices herein prohibited; and any person who shall take from the said waters any salmon or grilse by any of the said prohibited devices, or who shall have in possession any salmon or grilse so taken from the said

Preamble.

Fishing except with rod, hook and line prohibited.

- Penalty. waters, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment for a term not exceeding three months; *provided*, that nothing in this act shall be construed to prohibit the commissioners of fisheries from taking salmon or grilse at any time or in any manner for purposes connected with the performance of their duties;
- Proviso. *and provided further*, that the prohibition herein contained shall not be held to apply to the main stream of the Delaware river until an act shall have been passed by the legislature of Pennsylvania containing a similar prohibition.
- When penalty not to be imposed. 2. *And be it enacted*, That the penalty imposed by this act for illegally taking salmon and grilse, shall not be imposed upon such shad and herring fishermen as may, in the pursuit of their avocations inadvertently take
- Proviso. salmon or grilse in their nets; *provided*, the fish so taken shall be returned alive to the stream.

Approved March 14, 1879.

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## CHAPTER CXXVII.

A Supplement to an act entitled "An act relating to the consolidation of railroads," approved March seventh, one thousand eight hundred and seventy-eight.

- Authorized to issue preferred stock in lieu of, and in exchange for capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two or more railroad corporations have effected, or are desirous of effecting a consolidation and merger, under or by virtue of the act to which this is a supplement, or otherwise, and the bonded debt of said corporations is unequal in amount, or some or one of said corporations have no bonded debt, it shall be lawful for all or either of the said corporations having the lesser bonded debt or no bonded debt, to receive in the preferred stock of the said consoli-

dated corporation or in bonds secured by mortgage upon the property and franchises thereof, an amount not exceeding one-half its or their capital stock respectively in lieu thereof, and in exchange for an equal amount of its or their own capital stock theretofore issued; which capital stock when so received by the said consolidated corporation shall be retired, cancelled, and destroyed, the amount of said preferred stock or of bonds secured as aforesaid, so to be issued in exchange for said capital stock shall be fixed and determined by a vote of two-thirds of the stockholders, in amount of the said consolidated corporation, or of the several corporations desirous of effecting such consolidation.

Capital stock  
exchanged to be  
retired and  
destroyed.

2. *And be it enacted*, That it shall be lawful for such consolidated corporation and they are hereby authorized to issue their bonds at par, to such an amount as shall be necessary to carry out the purposes of this act, and to secure the same by their indenture of mortgage upon the property and franchises of such consolidated corporation; and it shall also be lawful for such consolidated corporation to create by a vote of two-thirds of the stockholders, in amount, and to issue for the purpose hereinbefore set out a preferred stock, to an amount not exceeding one-half of the authorized capital of the respective corporations so consolidated; the holders of which said preferred stock shall be entitled to receive, and the said consolidated corporation shall be bound to pay thereon a certain fixed half yearly sum or dividend to be expressed in the certificates of such preferred stock, before any dividends shall be set apart or paid to the holders of the general or common stock.

May issue bonds  
at par, how  
secured.

Dividends.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXVIII.

An Act relative to taxes in the county of Middlesex.

## Preamble.

WHEREAS, In the year one thousand eight hundred and seventy-seven, in making the valuation of property in the city of Perth Amboy, in the county of Middlesex, the assessor illegally included in the said valuation the property held and owned by "the Easton and Amboy railroad company," and fixed the valuation thereof at the sum of one hundred and five thousand six hundred dollars, the tax upon which said sum amounted, for state and county purposes, to nine hundred and fifty dollars and twenty-four cents, and the said illegal valuation having been returned to the board of assessors, and by them made a basis for determining the amount of state and county tax to be raised by the said city, which now stands charged in the accounts of said county, and it being just and equitable that the said city should not be required to pay tax upon such illegal valuation; therefore,

Released from  
the payment of  
state and county  
tax, and assess-  
ment declared  
void.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the city of Perth Amboy be and it is hereby released from the payment of state and county tax on such illegal valuation, which tax amounts to nine hundred and fifty dollars and twenty-four cents, and that the said assessment upon such illegal valuation is hereby declared null and void; *and whereas*, the said county of Middlesex has paid into the state treasury tax upon such illegal valuation amounting to three hundred and eighty dollars and sixteen cents; therefore,

Amount to be  
paid county col-  
lector.

2. *And be it enacted*, That the state treasurer be and is hereby required to pay to the county collector of the said county of Middlesex, for the use of the said county, upon a warrant drawn in the usual manner, the said

sum of three hundred and eighty dollars and sixteen cents.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXIX.

An Act to prevent the making and publication of false or deceptive statements in relation to the business of insurance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any insurance company or association doing business in this state advertises its assets, it shall in the same connection and equally conspicuously advertise its liabilities, the same to be determined in the manner now required in making the annual statements to the secretary of state; and all advertisements purporting to show the capital of such companies or associations shall exhibit only the amount of such capital as has actually been paid up in cash; all policies, renewals, signs, circulars, cards, or other means by which public announcements are made, shall be held to be advertisements within the meaning of this act. Advertisements shall exhibit only the amount of capital actually paid up in cash. Circulars, &c., held to be advertisements.

2. *And be it enacted*, That any such company or association, or any agent thereof, issuing or circulating advertisements which are not in conformity with the limitations and requirements of the preceding section of this act, shall be liable to a fine not less than fifty dollars, nor more than five hundred dollars, and it is hereby made the duty of the secretary of state to enforce the provisions of this act. Penalty for failure to conform.

3. *And be it enacted*, That this act shall take effect on

the first day of April, in the year one thousand eight hundred and seventy-nine.

Approved March 14, 1879.

## CHAPTER CXXX.

A Further Supplement to the act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six; and also, a supplement to the act entitled "An act to regulate the sale of ale, strong beer, lager, porter, wine and other malt liquors, in the state of New Jersey," approved April fourth, one thousand eight hundred and seventy-two.

Record to be kept in minutes of court of the names of all persons to whom licenses are granted and the amount assessed to each person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the duties now required to be performed by the clerks of the court of common pleas, of the several counties of this state, by the said acts to which this act is a supplement, the said clerks shall keep a record, in the minutes of the said court, of the names of all persons to whom licenses are granted by said courts, to keep inns or taverns, or to sell ale, strong beer, lager, porter, wine or other malt liquors, together with the amount assessed to each person for the same, and the date when paid.

Names of persons neglecting or refusing to take licenses, &c., to be reported to the court.

2. *And be it enacted*, That the said clerks shall, within ten days, if the said court be then in session, and if not in session, at the next session thereof, either special or regular, report to the said court the names of all persons who shall neglect or refuse to take out their licenses, and pay the fees and assessments therefor; and, thereupon, the said court shall, unless sufficient cause be shown to the contrary, revoke the said license or licenses.

Penalty for neglect of clerk.

3. *And be it enacted*, That if any of the said clerks shall neglect to perform any of the duties required of them by

this act, he shall forfeit, for each offence, the sum of twenty dollars, to be recovered in an action of debt in any court having jurisdiction of the same, by any person who shall sue therefor, in the name of the board of chosen freeholders of said county, one-half of said penalty to be paid to the person suing for the same, and the other half to the county collector of said county, for the use thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXI.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the public schools elected in each school district in this state, shall meet within ten days after said election, at the public school house, if there be one, or such other place as shall be previously designated, and organize by the election of a chairman and clerk, and that thereafter they shall meet on the first Tuesday after the first Monday in April, July, October and January during the year, at the same place, for the transaction of business connected with the public schools of their respective school districts.

Trustees to  
elect chairman  
and clerk

Time of hold-  
ing stated meet-  
ings.

2. *And be it enacted*, That all bills and demands for money expended for school purposes, and all contracts entered into, shall be presented and passed on in open session of the board of school trustees, and no bills or demands for money on that account shall be paid which have not been thus passed on and approved, and the

Bills and de-  
mands for  
money to be  
presented and  
passed on in  
open session.

orders for the payment of the same, signed by the chairman of the board, and district clerk.

Detailed bill of items or demands, shall be presented.

3. *And be it enacted*, That it shall be unlawful for any board of school trustees or board of education of this state to pay or disburse, out of the school moneys under their control, any sum for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing or improving school buildings and grounds, janitors' and teachers' salaries, unless the person claiming or receiving the said moneys shall first present to the board of trustees or boards of education, a detailed bill of items or demands, specifying particularly how such bill or demand is made up, and the dates thereof, and the names of the persons to whom the amount composing such bill or demand is due.

Affidavit as to correctness of itemized bill, required.

4. *And be it enacted*, That any person or persons presenting any such bill or demand, shall make an affidavit that the goods or services itemized in said bill or demand, have been delivered or rendered, and that the same is correct and true, and the clerk of any board of trustees or board of education, is hereby authorized to take said affidavit without cost.

Penalty for approving and paying bill unless the necessary affidavit is attached.

5. *And be it enacted*, That any member of the board of school trustees or board of education, that shall vote to approve and order paid any bill or demand, unless the necessary affidavit is attached, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not to exceed six months, or both, as the court may direct.

6. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved March 14, 1879.



## CHAPTER CXXXII.

A Supplement to the act entitled "An Act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township of this state, within thirty days after the organization of the township committee in each year, to fix by ordinance the annual salary and compensation to be paid to each person elected by the people, or appointed by such township committee, to any office in any such township, and the time and manner of the payment thereof; *provided, however, that* the salary of any such officer shall not be increased beyond the amount now fixed by law therefor. Township committee to fix by ordinance, compensation to be paid, &c.

2. *And be it enacted*, That no salary or compensation, when so fixed by ordinance, shall be changed or altered, except within the time and in the manner prescribed by the first section of this act. Salary or compensation not to be changed.

3. *And be it enacted*, That this act shall not apply to townships having less than five thousand inhabitants, nor shall it be construed to apply to the salaries of the teachers in any of the public schools of this state. Act not to apply.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXIII.

An Act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and seventy-nine, where work has been performed on said railroads, or money expended thereon.

Time for completing railroad, extended.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under special acts, shall expire during the year one thousand eight hundred and seventy-nine, such time shall be, and the same hereby is extended for a further period of five years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys or locations of route, or in acquisition of rights of way, or in construction.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXIV.

An Act to establish a fire patrol in villages and townships in this state.

May organize a fire patrol.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever there now exists, or may hereafter be formed, a fire department in any village, town or township in this state, by virtue of any local or

special law, then it shall and may be lawful for such village, town, township and fire department to organize a fire patrol.

2. *And be it enacted*, That the members of said fire patrol shall, in all cases, be members of the fire department of such village, town or township; that such patrol shall be, in all respects, subject to the rules and regulations that govern such fire department, and be under the control of the authority governing such fire department.

Members of  
patrol shall be  
members of the  
fire department.

3. *And be it enacted*, That it shall be the duty of such fire patrol to be present at all fires within the limits of such fire department, and take charge of all goods and chattels that may be removed from buildings in consequence of such fire, and keep the same under their care and protection until the same can be delivered to the owner or owners thereof, and that the members of such fire patrol shall, during the continuance of such fire, and until the goods so removed can be delivered to the owner or owners thereof, have the powers of constables, and may arrest, without warrant, any person or persons interfering therewith, and take such person before any justice of the peace of the county where apprehended, to be dealt with according to law.

Duties of fire  
patrol.

4. *And be it enacted*, That the members of such patrol shall have the same privileges as the members of such fire department have, shall have the right to vote for officers of such fire department, and shall be exempt from all jury and militia duty, as such firemen are now exempt.

Rights and  
privileges.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXV.

An Act to support fire organizations in the several incorporated towns in this state.

Authorized to issue bonds and use the proceeds for organizing and maintaining a fire department.

Denomination of bonds and how payable.

How executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, in any incorporated town in this state, having a population of more than three thousand inhabitants by the census of the year one thousand eight hundred and seventy-five, and at present having no regularly organized department for extinguishing of fires, and whose charter or act of incorporation authorizes the organization and maintenance of a fire department, to issue the bonds to an amount not exceeding ten thousand dollars, to be used and the proceeds thereof applied to the purposes of the organization and maintenance of a fire department, and the procuring of fire extinguishing apparatus and forming fire companies, building of suitable houses and furnishing a supply of water for fire purposes as aforesaid; such bonds shall be in sums of one hundred dollars each, or the multiples thereof, and shall be denominated "fire department bonds," and shall be payable, the sum of two thousand five hundred dollars in five years, the sum of two thousand five hundred dollars in seven years, the sum of two thousand five hundred dollars in ten years, and the sum of two thousand five hundred dollars in twelve years, or within such other times, not less than the times above named, as the common council of said town shall authorize and direct; that said bonds shall bear interest not to exceed six per centum per annum, payable semi-annually; that said bonds shall be signed by the president or chairman of the common council of said town, and countersigned by the treasurer thereof, and shall not be sold or negotiated at less than par.

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2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXXXVI.

An Act to enable incorporated towns in this state to obtain a supply of water from existing city water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council or common council of any incorporated town in this state, shall be, and hereby is authorized from time to time, to contract with the corporation of any incorporated city, having water works, or such authority or board thereof, as may have care and management of such works (which corporation and authority and board are hereby likewise authorized to enter into such contract), for a supply for such town, and the inhabitants thereof, and the works there carried on, of water from such water works, on such terms and conditions, and for such a number of years as the contracting parties may agree upon; and such corporation, authority and board are hereby authorized to make alterations and additions to its said water works and supply pumps, machinery and lay pipes in any place that may be agreed on, and exercise in behalf of such towns all the powers given to such city authority or board for and on behalf of such city, so as to execute the powers hereby given to it and them, and to do like acts in behalf of said towns as it or they may do for and in behalf of said city, and to do any other thing necessary to give effect to and enable it or them to perform such contract on its or their part; all roads or streets in or out of said city may be used to lay pipes in.

May contract for supply of water, &c.

Alterations and additions to works authorized.

## CHAPTER CXXXVIII.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six [Revision].

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one hundred and twenty-two and one hundred and twenty-four of said act, and which read as follows, to wit:

Section to be  
amended recit-  
ed.

"122. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for  
advertising each election, one dollar and fifty cents ;

The clerk of election, for each  
day's service, three dollars ;

Each member of the boards of  
election, for each day's service, three dollars ;

Each member of any board of  
county canvassers, for each  
day's service, three dollars ;

For mileage, in attending any  
such board, five cents for every  
mile, out and in, to be com-  
puted from the court house to  
his residence :

The clerk of each county, for  
advertising any special elec-  
tion, two dollars ;

The clerk of any board of coun-  
ty canvassers, for each day's  
service, one dollar and fifty cents ;

"124. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed," be and the same are hereby respectively amended so as to read as follows, to wit:

122. *And be it enacted*, That the officers named in this section shall be entitled to receive for the services herein mentioned, the fees hereto respectively annexed, and no more, to be paid by the collectors of the counties respectively, in which such service shall be performed; the clerk of each town or township, for advertising such election, one dollar; the clerk of election, for each day's service, two dollars; each member of the board of election, for each day's service, two dollars; providing, that for delivering the ballot boxes to the clerk of the county, the inspector of election who performs that duty shall also be entitled to receive one dollar and fifty cents and five cents per mile from his residence to the office of said county clerk, and no more; each member of any board of county canvassers, for each day's service, two dollars; to the clerk of each county, for advertising any special election, one dollar.

Section as amended.  
Fees.  
Proviso.  
Fees of county canvassers and county clerk.

124. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto attached, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of the act to which this is a supplement, the sum of twenty-five cents for each notice, and also all postage incurred by

Fees of secretary of state, &c., for notice to county clerk.

Fees of county clerk.

him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for the making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of twenty-five cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties respectively, in which such service shall be performed.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXIX.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Debts due to the state to be deducted from taxable property.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all debts due to the state of New Jersey and secured by mortgages to the school fund and sinking fund shall be deducted from the taxable property of the debtor claiming such deduction; *provided*, that this act shall not apply to any county or counties in this state where by virtue of any public or private acts, the mortgagor or mortgagors are not permitted to deduct from their taxable property the amount due on such mortgage or mortgages.

Approved March 14, 1879.



## CHAPTER CXL.

An Act to authorize the erection of city halls in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state having at the last state census less than twenty thousand inhabitants which now owns no city hall in fee and in which there is no building owned by the city suitable for use as a city hall, the mayor and council of such city are hereby authorized and empowered to purchase land and erect a building thereon, suitable for use as a city hall, and to furnish the same; *provided*, that in no case shall the cost of purchasing said land, and erecting and furnishing said building exceed sixty thousand dollars.

Mayor and council authorized to erect a city hall.

Proviso.

2. *And be it enacted*, That such mayor and council may cause said building to be so erected and furnished that portions thereof may be used as an armory by any regiment or company of the national guard of this state, having its headquarters in such city, and other portions as a police station and city prison.

Portion of building may be used as an armory, &c.

3. *And be it enacted*, That to provide the moneys necessary to carry into effect this act, such mayor and council shall have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, bearing interest at a rate not exceeding six per centum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for such payment by taxation.

Moneys necessary may be raised by issuing bonds.

4. *And be it enacted*, That the mayor and council of any such city may instead of purchasing land whereon to erect such building, build such building on any lands belonging to said city, and not used and dedicated as a public street or park, notwithstanding any dedication to any purpose other than as a public street or park.

May erect building on land belonging to city, not dedicated as a public street or park.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXLI.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement to the act to which this is a supplement, approved April sixth, one thousand eight hundred and sixty-five, which is in the words following, to wit:

Section to be  
amended recit  
ed.

2. "*And be it enacted*, That it shall be the duty of the clerk of the board to make out and cause such annual statement to be published in the newspapers printed in the county within thirty days after the annual meeting of the board and for every neglect so to do such clerk shall be deemed guilty of a misdemeanor, and shall, on conviction thereof be punished by a fine not exceeding fifty dollars," be and the same is hereby amended to read and be in the words following, to wit:

Section as  
amended.

2. *And be it enacted*, That it shall be the duty of the county collector to make out and cause such annual statement to be published in such of the newspapers, not less than two, printed in the county, as the board shall designate, within thirty days after the annual meeting of the board, which papers shall be those of the largest circulation and not more than half the number selected shall be of one political party; and for every neglect so to do such county collector shall be deemed guilty of a misdemeanor,

County collect-  
or to make and  
publish annual  
statement.

and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars; *provided*, this act shall not Proviso. apply to counties where the annual statement is published in pamphlet form according to law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXLII.

A Supplement to an act entitled "A supplement to an act entitled 'An act to regulate the manufacture and sale of fertilizers,'" approved March twenty-seventh, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amendment contained in the first section of the act to which this is a supplement, which amendment now reads as follows:

"5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act, or the act to which this act is a supplement, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence; *provided further*, that the provisions of this section or the act to which this is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, nor to any imported guanos," be and the same is hereby amended so as to read as follows:

5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act or the act to which this act is a supplement, or with an

Section to be amended recited.

Section as amended.

Penalty.

Proviso.

analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence, to any person who shall hereafter purchase the same for his own use or benefit and will sue for the same and also the costs of said suit; *provided further*, that the provisions of this section or the act to which this act is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, or to any special contract made between the buyer and seller.

Approved March 14, 1879.

## CHAPTER CXLIII.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for giving or receiving bribe, present, or reward for giving out the printing of blanks, &c., or any other printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall directly or indirectly give, or receive, or promise, contract or agree to give, or receive, any sum or sums of money, or any goods, chattels, gift, lands or real estate, or any other thing, bribe, present or reward whatsoever, for, or to obtain, or for giving out the printing of blanks, notices, advertisements, or any other printing, or for, or to obtain, or for giving out any other work or thing, connected with, or in or appertaining to, any office or department of this state, or any office or department in any county, city, town, township, borough, or other place in this state, shall be guilty of a misdemeanor, and on conviction thereof, shall, for every such offence, be liable to a fine not exceeding three hundred dollars, or suffer imprisonment at

hard labor not exceeding one year, or both, at the discretion of the court.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLIV.

An Act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purposes aforesaid the sum of ten thousand dollars in any one year and no more.

Amount of money authorized to be expended in any one year by boards of education.

2. *And be it enacted*, That hereafter in all such cities the boards of education shall before the contract for any such purchase of land, or for the building of any such school building, or for altering, furnishing or fitting up any building for school purposes, the expense of which will exceed five hundred dollars, shall be made, submit the terms of the proposed contract to the board of aldermen, common council or other governing body of such city, as the case may be, with a detailed statement of the amount proposed to be expended under the same, and such board of aldermen, common council or other governing body in such city, may, if such proposed contract or contracts shall be approved by a majority vote, order the same to

Term of proposed contract to be submitted to board of aldermen or other governing body for approval.

Appropriation,  
how made.

be executed, and thereupon shall appropriate, from time to time, such sum or sums of money as may be required by any such board of education for the fulfilment of such contract or contracts.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act (including so much of the act entitled "An act to provide for the more efficient government of the city of Paterson," as is inconsistent herewith) be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLV.

A Supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five, and to an act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Organization of  
new corpo-  
ration when  
to be construed  
as effected in  
law, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the organization of any new corporation contemplated by either of said acts, which shall be or shall have heretofore been made or sought to be made by the meeting together of the purchaser or purchasers and their associates, not less than fifteen in number, of the franchises and property of any railroad, canal, turnpike, bridge or plank road corporation, and the election by them of a president and board of directors, the adoption of a corporate name and corporate seal, the determination of the amount of the capital stock thereof,

and the filing of a certificate of such organization in the office of secretary of state, shall be and shall be construed to be effectual in law for the formation and constitution of such new corporation, anything in the said first mentioned act, entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," to the contrary notwithstanding; and no other persons shall be taken or regarded to be meant or intended by the following words therein, that is to say, "the person or persons for or on whose account such railroad, canal, turnpike or plank road may be purchased," than such purchaser or purchasers and their said associates.

2. *And be it enacted*, That if there shall be any error or mistake in any statement contained in the certificate of organization of any such new corporation now or hereafter filed in the office of the secretary of state, it shall be lawful for the court of chancery, on petition filed therein for that purpose by such new corporation or any officer thereof, or any person having interest therein, to order the amendment and correction thereof, and said amendment shall thereupon be made by said secretary of state in the original certificate, which shall thereafter be taken and certified to read as so amended.

3. *And be it enacted*, That no error or mistake in the giving of public notice of the time or place of meeting for the organization of any such new corporation, shall be held or construed in anywise to impair or affect the validity or existence thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

Certificate of  
organization,  
how amended  
and corrected.

Error in notice  
of meeting for  
organization  
not to impair  
validity, &c.,

## CHAPTER CXLVI.

An Act to define the rights of railroad corporations as to the use of their lands lying opposite and across streets and highways.

Authorized to  
construct tracks  
across street or  
highway.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad corporation chartered by or authorized to exercise its franchises within this state, which now owns or possesses as lessees or otherwise, lots or parcels of lands lying opposite to each other, across, and each fronting upon any street or public highway, it is, and shall be lawful for such corporation to construct their tracks across such street or highway and to use the same for all purposes of transportation; *provided*, that nothing herein contained shall be construed to enable such corporation to interfere with or to change the grade of such street or highway, or to prevent or unnecessarily impede the use thereof for ordinary travel.

2. *And be it enacted*, That any acts or parts of acts inconsistent herewith are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



## CHAPTER CXLVII.

## An Act to prohibit imprisonment for default in payment of taxes on real estate.

WHEREAS, it has been held by the court of errors and <sup>Preamble.</sup> appeals that taxes duly assessed for and on account of real property are not necessarily first liens thereon, but are to be deferred to mortgages which have been made upon such property previously to the assessment of such taxes thereon; *and whereas*, the equity of redemption or legal title to real property to a very large extent is vested in persons who, by reason of the depreciation in value of such property, or other misfortunes, are unable to pay the taxes thereon; *and whereas*, constables and other officers charged with the collection of taxes, finding it impossible to collect the same from owners who cannot pay, and from mortgagees who will not pay may obtain warrants for the imprisonment of the bodies of such owners so delinquent, under and by virtue of section eighteen of an act concerning taxes [Revision of Statutes of New Jersey, page 1142], to the great hardship, suffering and disgrace of such owners and their families, and to the discredit of this state; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no warrant shall be issued by any justice of the peace or other officer of this state, to any constable or other officer directing or authorizing the arrest or imprisonment of any person for or on account of any default or delinquency in the payment of taxes on real estate; but nothing in this act shall be construed to affect or in any wise to abridge or impair any provision other than arrest and imprisonment, for the collection of taxes. <sup>Arrest and imprisonment for the collection of taxes, abolished.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

Fees of county clerk.

him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for the making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of twenty-five cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties respectively, in which such service shall be performed.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXXXIX.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Debts due to the state to be deducted from taxable property.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all debts due to the state of New Jersey and secured by mortgages to the school fund and sinking fund shall be deducted from the taxable property of the debtor claiming such deduction; *provided*, that this act shall not apply to any county or counties in this state where by virtue of any public or private acts, the mortgagor or mortgagors are not permitted to deduct from their taxable property the amount due on such mortgage or mortgages.

Approved March 14, 1879.

## CHAPTER CXL.

An Act to authorize the erection of city halls in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state having at the last state census less than twenty thousand inhabitants which now owns no city hall in fee and in which there is no building owned by the city suitable for use as a city hall, the mayor and council of such city are hereby authorized and empowered to purchase land and erect a building thereon, suitable for use as a city hall, and to furnish the same; *provided*, that in no case shall the cost of purchasing said land, and erecting and furnishing said building exceed sixty thousand dollars.

Mayor and council authorized to erect a city hall.

Proviso.

2. *And be it enacted*, That such mayor and council may cause said building to be so erected and furnished that portions thereof may be used as an armory by any regiment or company of the national guard of this state, having its headquarters in such city, and other portions as a police station and city prison.

Portion of building may be used as an armory, &c.

3. *And be it enacted*, That to provide the moneys necessary to carry into effect this act, such mayor and council shall have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, bearing interest at a rate not exceeding six per centum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for such payment by taxation.

Moneys necessary may be raised by issuing bonds.

4. *And be it enacted*, That the mayor and council of any such city may instead of purchasing land whereon to erect such building, build such building on any lands belonging to said city, and not used and dedicated as a public street or park, notwithstanding any dedication to any purpose other than as a public street or park.

May erect building on land belonging to city, not dedicated as a public street or park.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLI.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement to the act to which this is a supplement, approved April sixth, one thousand eight hundred and sixty-five, which is in the words following, to wit:

Section to be  
amended recit  
ed.

2. "*And be it enacted*, That it shall be the duty of the clerk of the board to make out and cause such annual statement to be published in the newspapers printed in the county within thirty days after the annual meeting of the board and for every neglect so to do such clerk shall be deemed guilty of a misdemeanor, and shall, on conviction thereof be punished by a fine not exceeding fifty dollars," be and the same is hereby amended to read and be in the words following, to wit:

Section as  
amended.

2. *And be it enacted*, That it shall be the duty of the county collector to make out and cause such annual statement to be published in such of the newspapers, not less than two, printed in the county, as the board shall designate, within thirty days after the annual meeting of the board, which papers shall be those of the largest circulation and not more than half the number selected shall be of one political party; and for every neglect so to do such county collector shall be deemed guilty of a misdemeanor,

County collect-  
or to make and  
publish annual  
statement.

and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars; *provided*, this act shall not Proviso. apply to counties where the annual statement is published in pamphlet form according to law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLII.

A Supplement to an act entitled "A supplement to an act entitled 'An act to regulate the manufacture and sale of fertilizers,'" approved March twenty-seventh, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amendment contained in the first section of the act to which this is a supplement, which amendment now reads as follows:

"5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act, or the act to which this act is a supplement, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence; *provided further*, that the provisions of this section or the act to which this is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, nor to any imported guanos," be and the same is hereby amended so as to read as follows:

5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act or the act to which this act is a supplement, or with an

Section to be amended recited.

Section as amended.

**Penalty.**

**Proviso.**

analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence, to any person who shall hereafter purchase the same for his own use or benefit and will sue for the same and also the costs of said suit; *provided further*, that the provisions of this section or the act to which this act is a supplement shall not apply to any manure sold at a price not exceeding one-half a cent per pound, or to any special contract made between the buyer and seller.

Approved March 14, 1879.

## CHAPTER CXLIII.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

**Penalty for giving or receiving bribe, present, or reward for giving out the printing of blanks, &c., or any other printing.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall directly or indirectly give, or receive, or promise, contract or agree to give, or receive, any sum or sums of money, or any goods, chattels, gift, lands or real estate, or any other thing, bribe, present or reward whatsoever, for, or to obtain, or for giving out the printing of blanks, notices, advertisements, or any other printing, or for, or to obtain, or for giving out any other work or thing, connected with, or in or appertaining to, any office or department of this state, or any office or department in any county, city, town, township, borough, or other place in this state, shall be guilty of a misdemeanor, and on conviction thereof, shall, for every such offence, be liable to a fine not exceeding three hundred dollars, or suffer imprisonment at

hard labor not exceeding one year, or both, at the discretion of the court.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLIV.

An Act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purposes aforesaid the sum of ten thousand dollars in any one year and no more.

Amount of money authorized to be expended in any one year by boards of education.

2. *And be it enacted*, That hereafter in all such cities the boards of education shall before the contract for any such purchase of land, or for the building of any such school building, or for altering, furnishing or fitting up any building for school purposes, the expense of which will exceed five hundred dollars, shall be made, submit the terms of the proposed contract to the board of aldermen, common council or other governing body of such city, as the case may be, with a detailed statement of the amount proposed to be expended under the same, and such board of aldermen, common council or other governing body in such city, may, if such proposed contract or contracts shall be approved by a majority vote, order the same to

Term of proposed contract to be submitted to board of aldermen or other governing body for approval.

Appropriation,  
how made.

be executed, and thereupon shall appropriate, from time to time, such sum or sums of money as may be required by any such board of education for the fulfilment of such contract or contracts.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act (including so much of the act entitled "An act to provide for the more efficient government of the city of Paterson," as is inconsistent herewith) be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLV.

A Supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five, and to an act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Organization of  
new corpo-  
ration when  
to be construed  
as effected in  
law, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the organization of any new corporation contemplated by either of said acts, which shall be or shall have heretofore been made or sought to be made by the meeting together of the purchaser or purchasers and their associates, not less than fifteen in number, of the franchises and property of any railroad, canal, turnpike, bridge or plank road corporation, and the election by them of a president and board of directors, the adoption of a corporate name and corporate seal, the determination of the amount of the capital stock thereof,



and the filing of a certificate of such organization in the office of secretary of state, shall be and shall be construed to be effectual in law for the formation and constitution of such new corporation, anything in the said first mentioned act, entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," to the contrary notwithstanding; and no other persons shall be taken or regarded to be meant or intended by the following words therein, that is to say, "the person or persons for or on whose account such railroad, canal, turnpike or plank road may be purchased," than such purchaser or purchasers and their said associates.

2. *And be it enacted*, That if there shall be any error or mistake in any statement contained in the certificate of organization of any such new corporation now or hereafter filed in the office of the secretary of state, it shall be lawful for the court of chancery, on petition filed therein for that purpose by such new corporation or any officer thereof, or any person having interest therein, to order the amendment and correction thereof, and said amendment shall thereupon be made by said secretary of state in the original certificate, which shall thereafter be taken and certified to read as so amended.

3. *And be it enacted*, That no error or mistake in the giving of public notice of the time or place of meeting for the organization of any such new corporation, shall be held or construed in anywise to impair or affect the validity or existence thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLVI.

An Act to define the rights of railroad corporations as to the use of their lands lying opposite and across streets and highways.

Authorized to  
construct tracks  
across street or  
highway.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad corporation chartered by or authorized to exercise its franchises within this state, which now owns or possesses as lessees or otherwise, lots or parcels of lands lying opposite to each other, across, and each fronting upon any street or public highway, it is, and shall be lawful for such corporation to construct their tracks across such street or highway and to use the same for all purposes of transportation; *provided*, that nothing herein contained shall be construed to enable such corporation to interfere with or to change the grade of such street or highway, or to prevent or unnecessarily impede the use thereof for ordinary travel.

2. *And be it enacted*, That any acts or parts of acts inconsistent herewith are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLVII.

## An Act to prohibit imprisonment for default in payment of taxes on real estate.

WHEREAS, it has been held by the court of errors and <sup>Preamble.</sup> appeals that taxes duly assessed for and on account of real property are not necessarily first liens thereon, but are to be deferred to mortgages which have been made upon such property previously to the assessment of such taxes thereon ; *and whereas*, the equity of redemption or legal title to real property to a very large extent is vested in persons who, by reason of the depreciation in value of such property, or other misfortunes, are unable to pay the taxes thereon ; *and whereas*, constables and other officers charged with the collection of taxes, finding it impossible to collect the same from owners who cannot pay, and from mortgagees who will not pay may obtain warrants for the imprisonment of the bodies of such owners so delinquent, under and by virtue of section eighteen of an act concerning taxes [Revision of Statutes of New Jersey, page 1142], to the great hardship, suffering and disgrace of such owners and their families, and to the discredit of this state ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no warrant shall be issued by any justice of the peace or other officer of this state, to any constable or other officer directing or authorizing the arrest or imprisonment of any person for or on account of any default or delinquency in the payment of taxes on real estate ; but nothing in this act shall be construed to affect or in any wise to abridge or impair any provision other than arrest and imprisonment, for the collection of taxes. <sup>Arrest and imprisonment for the collection of taxes, abolished.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXLVIII.

An Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and seventy-nine.

State treasurer  
to pay certain  
amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the State of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz:

Item No. 1. To A. H. Rickey, for furnishing parchments and preparing oaths of members and officers of the senate and general assembly, fifty dollars,	\$50 00
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Item No. 2. To W. H. C. Murphy, for brushes, brooms, matches and other incidentals for the house of assembly, seventy-six dollars and thirty-five cents,	76 35
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Item No. 3. To Henry R. Mayer, for two tables and repairing chairs, &c., for the house of assembly, twenty-five dollars,	25 00
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Item No. 4. To John L. Murphy, for stationery furnished to the secretary of the senate, one hundred and thirteen dollars and thirty-five cents,	113 35
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Item No. 5. To John L. Murphy, for stationery furnished to the senate by order of the president of the senate, thirty dollars and seventy cents,	30 70
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Item No. 6. To R. J. B. Slack, for services as secretary to the committee on incidental expenses, for the year one thousand eight hundred and seventy-nine, fifty dollars,	50 00
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Item No. 7. To R. J. B. Slack, for amount paid to newspapers for advertising notice of in-	
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cidental expenses committee, for the year one thousand eight hundred and seventy-nine, five dollars and seventy-five cents,

5 75

Item No. 8. To each of the clergy who rendered services in opening the sessions of the legislature with prayer, during the year one thousand eight hundred and seventy-nine, ten dollars,

Item No. 9. To Ellen Meley, for cleaning senate and assembly chambers and committee rooms, during the session of one thousand eight hundred and seventy-nine, two hundred dollars,

200 00

Item No. 10. To Martha Kuhn, for washing towels for the house of assembly, twenty-five dollars,

25 00

Item No. 12. To David M. Campbell, for services in attending electrical gas machine in the senate chamber and house of assembly during the session of one thousand eight hundred and seventy-nine, one hundred dollars,

100 00

Item No. 13. To John Simpson, for washing spittoons for the senate and house of assembly, and washing and keeping clean the closets, in house of assembly, one hundred and twenty dollars,

120 00

Item No. 14. To William Shields, for services rendered as clerk to the committee of the house of assembly on engrossed bills, five hundred dollars,

500 00

Item No. 15. To George D. Bower, for extra services in the bill room of the house of assembly, in addition to the compensation allowed him for services as page during the session of one thousand eight hundred and seventy-nine, one hundred dollars,

100 00

Item No. 16. To William H. Brown, for services in opening the house of Assembly, session of one thousand eight hundred and seventy-nine, ten dollars,

10 00

Item No. 17. To James Irwin, William Gallagher, John Mackey, Joseph C. Patterson, Richard Harris, John McIlroy, John Sheridan, and

James O'Brien, for services as pages opening house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars each, amounting to eighty dollars, 80 00

Item No. 18. To John C. Cole and Charles Fuhrmann, for services as keepers of galleries of the house of assembly at the opening of the session of one thousand eight hundred and seventy-nine, ten dollars each, twenty dollars, 20 00

Item No. 19. To Walter T. Hutchinson, for services at opening of the house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 20. To Joseph C. Patterson, for services as page in the senate at opening of the session of one thousand eight hundred and seventy-eight, ten dollars, 10 00

Item No. 21. To Charles M. Jameson, John Simerson, Thomas G. Bunnell, George W. Beatty, Addis Hayes, John A. McCutcheon, David A. Bell, William W. Fanchild, Franklin Ellis, Bernard Connelly, Patrick McGinness, for services at opening of the senate session of one thousand eight hundred and seventy-nine, ten dollars each, 110 00

Item No. 22. To Austin H. Patterson, John A. McGrath, Samuel E. Perry, Charles S. Lawson, Christopher Kelley, for services at opening of the house of assembly, session of one thousand eight hundred and seventy-nine, ten dollars each, 50 00

Item No. 23. To John P. Lansing and R. J. B. Slack, for services rendered the joint committee on state treasurer's accounts for the year one thousand eight hundred and seventy-seven, as approved by said committee, one hundred dollars each, 200 00

Item No. 24. To Edwin Sutphin, for one carriage for committee on industrial school for girls, by order of the chairman, four dollars, 4 00

Item No. 25. To William Pippen, for two

carriages for committee on industrial school for girls, by order of chairman, eight dollars, 8 00

Item No. 26. To John L. Murphy, for stationery furnished for the speaker of the house of assembly, thirty-three dollars and forty cents, 33 40

Item No. 27. To John L. Murphy, for stationery furnished for the clerk of the house of assembly, one hundred and three dollars and ninety-five cents, 103 95

Item No. 28. To James C. Filor and Company for stationery furnished for the house of assembly, five hundred and ninety-seven dollars and sixty-nine cents, 597 69

Item No. 29. To Naar, Day and Naar, for stationery furnished for opening the house of assembly, session of one thousand eight hundred and seventy-nine, by order of Austin H. Patterson clerk, one hundred and six dollars, 106 00

Item No. 30. To Naar, Day and Naar, for stationery furnished for the opening of the senate, session of one thousand eight hundred and seventy-nine, sixty-nine dollars, 69 00

Item No. 31. To Alpaugh & Thompson, for stationery furnished for A. H. Patterson, after adjournment of the legislature, session of one thousand eight hundred and seventy-eight, eleven dollars and sixty-five cents, 11 65

Item No. 32. To Joseph Meeks, for expenses incurred in contested election case, Meeks v. Wellman, five hundred dollars, 500 00

Item No. 33. Charles H. Wellman, for expenses incurred in contested election case, Wellman v. Meeks, five hundred dollars, 500 00

Item No. 34. To George C. Wynkoop, for extra services as engrossing clerk of the house of assembly, one hundred dollars, 100 00

Item No. 35. To Thomas B. Starr, for services rendered as assistant engrossing clerk of the house of assembly, two hundred dollars, 200 00

Item No. 36. To Ellen Meley, for services rendered in cleaning chambers of the senate and assembly and committee rooms for the

session of one thousand eight hundred and seventy-eight, one hundred dollars, 100 00

Item No. 37. To C. A. S. Hutchinson, and to each of the other pages of the senate of eighteen hundred and seventy-eight for services; for services as pages in opening of the senate session of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 38. To William Dickey, Oscar Johnson and George Timball, for extra services as pages in the house of assembly, each fifty dollars, 150 00

Item No. 39. To Abraham McKeon, for services as journal clerk of the senate (at special session) during the year one thousand eight hundred and seventy-seven, ten dollars, 10 00

Item No. 40. To Alpaugh & Thompson, for balance due for journals furnished the senate for the year one thousand eight hundred and seventy-eight, one hundred and thirty-two dollars, 132 00

Item No. 41. To John L. Murphy, for stationery furnished engrossing clerk of the senate, two hundred and eight dollars and fifteen cents, 208 15

Item No. 42. To John L. Murphy, for stationery furnished clerk to committee on engrossed bills of the house of assembly, fifty-one dollars and fifteen cents, 51 15

Item No. 43. To John L. Murphy, for wrapping paper, bill files, envelopes, brushes, rubber bands, &c., furnished to the sergeant-at-arms of the house of assembly, two hundred and sixteen dollars and twenty-five cents, 216 25

Item No. 44. To John L. Murphy, for stationery furnished the engrossing clerk of the house of assembly, two hundred and fifty-nine dollars and ninety-five cents, 259 95

Item No. 45. To James O'Brien and Lionel Holmes, for services as extra pages, two hundred dollars each, 400 00

Item No. 46. To C. O. Cooper, extra services as clerk of the house, two hundred dollars, 200 00



Item No. 47. To J. Herbert Potts and Andrew M. Clarke, assistant clerk and journal clerk of this house, for extra services, each one hundred and fifty dollars, 300 00

Item No. 48. To John Fell, for extra services as sergeant-at-arms of the house of assembly, one hundred dollars, 100 00

Item No. 49. To John A. Brown, assistant sergeant-at-arms of assembly, for extra services, fifty dollars, 50 00

Item No. 50. To Ivins and Lalor, for carriages furnished committee on lunatic asylum, for extra services, seven dollars, 7 00

Item No. 51. To William B. Milford and Daniel Kilbourne, keepers of galleries, for extra services, fifty dollars each, 100 00

Item No. 52. To David A. Bell, for services rendered as president's private secretary at the opening of the senate of one thousand eight hundred and seventy-nine, ten dollars, 10 00

Item No. 61. To Lewis S. Williams, for services as assistant to engrossing clerk of the senate, one hundred and fifty dollars, 150 00

Item No. 62. George W. Shreve, Silas P. Genung, Charles Robinson, Henry Schenk, for extra services as doorkeepers of the senate, fifty dollars each, 200 00

Item No. 63. N. W. Voorhees, for extra services as secretary of the senate, two hundred dollars, 200 00

Item No. 64. William Cloke, assistant secretary, one hundred and fifty dollars, 150 00

Item No. 65. F. F. Patterson, engrossing clerk, one hundred dollars, 100 00

Item No. 66. L. L. Mulford, sergeant-at-arms, one hundred dollars, 100 00

Item No. 67. W. J. Bruce, president's private secretary, one hundred and fifty dollars, 150 00

Item No. 68. A. S. Barber, journal clerk, one hundred and fifty dollars, 150 00

Item No. 69. Peter I. Ten Brock, assistant sergeant-at-arms, fifty dollars, 50 00

- Item No. 70. To W. H. C. Murphy, for one gross parlor matches for house of assembly, 3 00
- Item No. 71 To George F. Dudley, for stationery, rubber bands, paste, bill-files, ink-wipers, &c., &c., furnished to the sergeant-at-arms for the use of the senate, one hundred and fifty-six dollars and ninety cents, 156 90
- Item No. 72. To W. H. C. Murphy, for waiter, chair, pitcher, tumblers, letter-box, brushes and combs, &c., thirty-one dollars and fifty cents, 31 50
- Item No. 73. To Anna Whaling, for washing towels for the senate, twenty-five dollars, 25 00
- Item No. 74. To Lambert L. Mulford, for serving senate subpoenas in contested election case, twenty-five dollars, 25 00
- Item No. 75. To Alden C. Scovel, for services and expenses in contested election case of the senator of Camden county, two hundred and fifty dollars, 250 00
- Item No. 76. To William A. Smith for witness fees and services in producing ballot-box, and expenses in contested election case of Marsh and Phillips in 1878, thirty dollars, 30 00
2. *And be it enacted*, That this act shall take effect immediately.
- Approved March 14, 1879.

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## CHAPTER CXLIX.

### An Act to protect the honey industry.

#### Preamble.

WHEREAS, The production of honey is an honest and honorable industry of respectable and fast growing importance in this state, the entire proceeds of which is clear gain to the state; *and whereas*, adulterations with inferior sweets, not gathered by bees, are manufactured and sold under the name of honey, to the

great injury of the industry and to the deception of the consumer, if not to the injury of his health; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person or persons who shall manufacture, sell or cause to be sold any article or substance having the semblance of honey, and yet not the real product of the hive, whether in shape of liquid or comb honey, shall to each package or vessel of such manufactured article or substance, affix on the outside the package in a conspicuous place, a distinct printed or written label or brand stating that it is a mixture, and naming the constituent elements used, whether glucose, grape sugar or other adulterant; and every sale of such article or substance not so branded, marked or labelled is declared to be unlawful, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so branded, marked or labelled.

Printed or written label or brand to be affixed to package or vessel containing any article or substance of the semblance of honey and not the product of the hive.

2. *And be it enacted*, That every person who shall knowingly sell, or offer to sell, or have in his or her possession with intent to sell, contrary to the provision of this act, any of the said article or substance required by the first section of this act to be branded, marked or labelled, as therein stated, not so branded, marked or labelled, shall for each such offence forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof, in an action to be prosecuted by the district attorney in the name of the people, and one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty imposed, and how sued for.

3. *And be it enacted*, That every person who shall knowingly sell, or offer, or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale any article or substance required by the first section of this act to be branded, marked or labelled, not so branded, marked or labelled, shall be guilty of a misdemeanor, and on trial for such misdemeanor, or proof of the sale, or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so

Penalty for offering or exposing for sale.

sold or offered, and that the same was not branded, marked or labelled as required by this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CL.

An Act to provide for additional compensation to the secretary of the speaker of the house of assembly.

**Preamble.**

WHEREAS, in the act to defray the incidental expenses of the state of New Jersey, the name of the secretary of the speaker of the house of assembly was inadvertently omitted ;

**Amount of additional compensation.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay upon the warrant of the comptroller to the secretary of the speaker of the house of assembly of the present session an additional compensation for extra services rendered, the sum of one hundred and fifty dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLI.

A Supplement to an act entitled "An act defining the power of public road boards in the macadamizing of public roads and avenues in this state," approved February fourth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the costs and expenses of macadamizing public roads or avenues under the control of any public road board of this state, shall be assessed and paid in the same manner as now provided by law in respect to the laying out, opening and constructing of avenues under the laws constituting and regulating such public road board. Costs and expenses, how assessed and paid.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed. Repealer.

Approved March 14, 1879.

## CHAPTER CLII.

An Act relative to police justices in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any police justice in this state, may, in case of his temporary absence from the police court, or inability from any cause to act therein, designate and appoint a justice of the peace to act in his stead, and such justice of the peace while so acting, shall Police justice may designate and appoint a justice of the peace to act in his stead during temporary absence.

have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred or given to said police justice.

.2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 14, 1879.

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### CHAPTER CLIII.

A Further Supplement to "An act to reorganize the courts of law," approved February ninth, one thousand eight hundred and fifty-five.

Law judge may  
accept plea, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the law judge in any county acting under the provisions of the act to which this is a supplement, to receive any plea of such person as may come before him charged with any offence cognizable in such court, without calling in any lay judge or judges to act in the matter if such law judge shall see fit so to do.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLIV.

Supplement to an act entitled "An act to incorporate rifle associations, and for the promotion of marksmanship and the skillful use of firearms among the militia and citizens of this state," approved February seventh, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to incorporate rifle associations and for the promotion of marksmanship among the militia and citizens of this state," approved February seventh, one thousand eight hundred and seventy-eight, be amended so that the same shall read as follows: Section to be amended.

6. *And be it enacted*, That the sole and exclusive object of such corporations under this act shall be the maintenance of rifle ranges, club houses and places of resort necessary or appropriate to the practice and improvement of their members in rifle shooting and the skillful use of fire arms, and the improvement of their members by such other means as may be appropriate to the object for which they are respectively organized; *provided*, that gambling and betting at, in or about any range, club house or other place of resort, established or maintained by any such association, are hereby absolutely prohibited and forbidden; and the sale of intoxicating liquors is forbidden at such times as the range or other places of resort may be occupied by the members of the national guard for drill, instruction for practice, and any violation of this provision by any member of such association shall be taken and deemed to work a forfeiture of all rights and privileges of any member so violating or permitting the violation of this provision; *and provided further*, that any member who shall be expelled from such association on account of his or their violation of the foregoing provi- Section as amended.  
Object.  
  
Proviso.

sions shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLV.

A Supplement to an act entitled "An act fixing the compensation of certain public officers of this state."

Preamble.

WHEREAS, the assistance now furnished the state librarian is insufficient to perform the clerical work, owing to the increased size and continual rapid growth of the state library; therefore,

Librarian  
authorized to  
employ assist-  
ants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian be and he is hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of seven hundred and fifty dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



## CHAPTER CLVI.

A Supplement to the "Act for the punishment of crimes"  
[Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person acting as executor, administrator, trustee or guardian, appointed by any will, deed or other written instrument, or by the judgment, order or decree of any court in this state, shall wilfully or fraudulently convert to his own use, or take, make away with, or secrete with intent to convert to his own use, or shall fraudulently withhold any money, goods, property rights in action, or other valuable security or effects whatever, belonging to the estate or person or persons for whose benefit, or in whose behalf, such executor, administrator, trustee or guardian may have been appointed, and which shall have come into his possession, or under his care and control, by virtue of said trust, employment or office, he shall be adjudged guilty of embezzlement, and shall, upon conviction, be punished by a fine of not more than one thousand dollars or imprisonment not to exceed five years, or both, in the discretion of the court.

Penalty for  
wilfully or  
fraudulently  
converting or  
withholding  
trust funds, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLVII.

Supplement to an act entitled "An act to regulate the practice of pharmacy," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, which reads as follows:

Section to be  
amended re-  
cited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of January, one thousand eight hundred and seventy-eight, it shall be unlawful for any person or persons to open or conduct any pharmacy or store for retailing, dispensing or compounding drugs or medicines, unless such person shall be, or shall employ and place in charge of such pharmacy or store, a registered pharmacist, within the meaning of this act; and every pharmacy or store kept open for the retailing, dispensing and compounding of medicines, shall be under the direct personal care and management of a registered pharmacist," be amended so that the same shall read as follows:

Section as  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person other than a registered pharmacist to retail, compound or dispense medicines or poisons, or to open or conduct any pharmacy or store for retailing, dispensing or compounding drugs or medicines, unless such person shall be or shall employ and place in charge of said pharmacy or store a registered pharmacist, within the meaning of this act.

2. *And be it enacted*, That the fourth section of the act to which this is a supplement and which reads as follows:

Section to be  
amended re-  
cited.

"4. *And be it enacted*, That it shall be the duty of the board of pharmacy to examine all applications for registration, to grant certificates of registration to such persons

as may be entitled to the same under the direct provisions of this act, and to such others as it shall judge on examination, to be properly qualified to practice pharmacy, to cause the prosecution of all persons violating the provisions of this act, and to report annually, to the governor, on the condition of pharmacy in the state; it shall meet at least once in three months, shall elect a president, a secretary and treasurer, and shall have power to make by-laws for the proper fulfilment of its duties under this act; it shall keep a book of registration open at each county seat in the state, and shall give notice, by advertising in at least one newspaper in each county, of the time and place in said county seat, when and where such book shall be accessible and for what purpose kept," be amended so that the same shall read as follows:

4. *And be it enacted*, That it shall be the duty of the board of pharmacy to examine all applications for registration; to grant certificate of registration to such persons as may be entitled to the same, under the provisions of this act, and to such others as it shall judge on examination to be properly qualified to practice pharmacy; to cause the prosecution of all persons violating the provisions of this act, and to report, annually, to the governor on the condition of pharmacy in the state, which report shall embrace a detailed statement of receipts and expenditures; it shall meet at least once in three months, alternately in the cities of Paterson, Newark, Trenton and Camden; shall give thirty days' notice of the time and place of such meetings; shall elect a president, a secretary and treasurer; shall have power to make by-laws for the proper fulfilment of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act.

Section as amended.

Amendment.

Amendment.

3. *And be it enacted*, That the sixth section of the act to which this is a supplement, and which reads as follows:

"6. *And be it enacted*, That all persons who, subsequent to the passage of this act, shall purpose to establish a pharmacy or store within this state, for the dispensing and compounding of physicians' prescriptions, or for the retailing of medicines, shall, previous to the opening of the same to the public, appear before or apply to said

Section to be amended recited.

board of pharmacy for registration, and if after examination by said board, in its judgment qualified to practice pharmacy, such person shall, on the payment of five dollars, receive from said board a certificate of registration; *provided*, that nothing in this act contained, shall affect or apply to any person who holds a diploma from any regularly incorporated college or institute of pharmacy, or from a regularly chartered medical college or university," be amended so that the same shall read as follows:

Section as amended.

Amendment.

Proviso.

Proviso.

6. *And be it enacted*, That all persons who, subsequent to the passage of this act, shall purpose to establish a pharmacy or store within this state, for the dispensing and compounding of physicians' prescriptions, or for the retailing of medicines, shall, previous to the opening of the same to the public, appear before or apply to said board of pharmacy for registration; every person so applying for registration under this act, shall at the time of making such application, pay to the treasurer of the board of pharmacy an examination fee of five dollars, and upon passing an examination satisfactory to said board, such person shall without further fee, receive from said board a certificate of registration; *provided*, that if any person so examined, shall at the first trial fail to pass a satisfactory examination, such person shall be entitled to a second examination without any additional fee, at any time not later than six months from his first examination; *and provided further*, that any person holding a diploma from any regularly incorporated college or institute of pharmacy shall be entitled to a certificate of registration, without examination by said board, the fee for which certificate shall be fixed by said board, but the same shall in no case be fixed at a sum higher than two dollars.

4. *And be it enacted*, That the seventh section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"7. *And be it enacted*, That the members of said board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the receipts of fees and penalties collected under the provisions of this act; and that all moneys received by the said board by

virtue of the act empowering it to levy and collect contributions, and prosecute for and recover penalties, shall be paid into the treasury of the county in which the said moneys may be collected, and that the bills for the services of the said board in said county shall be audited and paid by the treasurer of said county; the balance, if any, after the payment of said bills, shall be added to the general fund of the county," be amended so that the same shall read as follows:

7. *And be it enacted*, That the members of said board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the receipts of fees and penalties collected under the provisions of this act; and that all moneys received by the said board by virtue of this act, in excess of said per diem allowance, and of the necessary expenses of the said board, be paid to the treasurer of the New Jersey State Pharmaceutical Association annually at their annual meeting, to whom at such meeting, said board shall render account of all moneys received by them pursuant to this act, whether there be any excess as aforesaid or not. Section as amended.

5. *And be it enacted*, That the fifth section of the act to which this is a supplement, be and the same is hereby repealed. Amendment.

6. *And be it enacted*, That this act shall take effect immediately. Repealer.

Approved March 14, 1879.

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## CHAPTER CLVIII.

### An Act for the further protection of fisheries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state wherein any fishery is located, the fish commissioners of the state may, on the application of any owner or owners, lessee or lessees of such fishery, designate a suitable per- Commissioners may designate suitable person to act as deputy fish warden.

Proviso.

son to act as deputy fish warden for such time as the said commissioners shall specify, and that such deputy, when so appointed, shall have all the authority now or hereafter to be conferred upon fish wardens for enforcing the provisions of the laws of this state regulating fishing; *provided*, that such deputies, when appointed as herein provided, shall not be entitled to or receive any compensation for their services as deputy wardens from the state, but may accept such compensation as may be agreed upon between them and the party or parties in whose behalf they may act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLIX.

An Act to amend an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to incorporate trustees of religious societies" [Revision] approved April ninth, one thousand eight hundred and seventy-five, which now reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every religious society or congregation of christians entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling by an

advertisement set up in open view at or near such place of meeting; when so assembled may by plurality of voices of such of the said society or congregation as are present, elect any number of said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume agreeably to the directions of this act," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every religious society or congregation of christians entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling by an advertisement set up in open view at or near such place of meeting; when so assembled may by plurality of voices of such of the members of said society or congregation who regularly contribute to the support of such society or congregation, male and female over twenty-one years of age, as are present, elect any number of said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume, agreeably to the directions of this act.

Section as amended.

Election of trustees.

Approved March 14, 1879.

## CHAPTER CLX.

An Act to amend an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine, and which section reads as follows:

Section to be  
amended re-  
cited.

"9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth, fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton Square, Chambersburg and sixth ward of Trenton," be and the same is hereby amended so as to read as follows:



9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton, the borough of Chambersburg and sixth ward of Trenton. Section as amended.

2. *And be it enacted*, That this act shall take effect immediately, and shall be a public act.

Approved March 14, 1879.

## CHAPTER CLXI.

An Act relative to incorporated schuetzen associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of any schuetzen association incorporated under the laws of the state of New Jersey, may, by a vote of the board of directors or trustees of such association, be divided into shares of ten dollars each for all stock that may hereafter be issued by any such association; and any shareholder of any such association owning shares to an amount of fifty dollars, or more, may be elected a director thereof, and that each shareholder of stock issued under this act shall be entitled to one vote at any election for officers or directors of said association, and each holder of a share or shares of fifty dollars each heretofore issued under existing laws, shall be entitled to one vote for each ten dollars represented by the shares so held by him. Division of capital stock into shares of ten dollars each authorized.  
  
Each ten dollars stock to be represented by one vote.

2. *And be it enacted*, That all general, public, private, local or special laws inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 14, 1879.

## CHAPTER CLX.

An Act to amend an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to repeal all the acts respecting the apportionment of the several assembly districts of the state of New Jersey, which were approved during the year one thousand eight hundred and seventy-eight, and to revive and re-establish the apportionment of the several assembly districts of the state of New Jersey as the same existed on the first day of January, one thousand eight hundred and seventy-eight," passed February twenty-fifth, one thousand eight hundred and seventy-nine, and which section reads as follows:

Section to be  
amended re-  
cited.

"9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth, fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton Square, Chambersburg and sixth ward of Trenton," be and the same is hereby amended so as to read as follows:

9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Ewing, Hopewell, Lawrence and Princeton; the second district to be composed of the first, second, third, fourth fifth and seventh wards of the city of Trenton; the third district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton, the borough of Chambersburg and sixth ward of Trenton. Section as amended.

2. *And be it enacted*, That this act shall take effect immediately, and shall be a public act.

Approved March 14, 1879.

## CHAPTER CLXI.

An Act relative to incorporated schuetzen associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of any schuetzen association incorporated under the laws of the state of New Jersey, may, by a vote of the board of directors or trustees of such association, be divided into shares of ten dollars each for all stock that may hereafter be issued by any such association; and any shareholder of any such association owning shares to an amount of fifty dollars, or more, may be elected a director thereof, and that each shareholder of stock issued under this act shall be entitled to one vote at any election for officers or directors of said association, and each holder of a share or shares of fifty dollars each heretofore issued under existing laws, shall be entitled to one vote for each ten dollars represented by the shares so held by him. Division of capital stock into shares of ten dollars each authorized.  
  
Each ten dollars stock to be represented by one vote.

2. *And be it enacted*, That all general, public, private, local or special laws inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 14, 1879.

## CHAPTER CLXII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," of the revised laws of April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which reads as follows:

Section to be  
amended re-  
cited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons residing in this state, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a chairman and secretary by a vote of a majority of the persons present at the meeting and proceed to form an association, by determining on a corporate name by which the association shall be called and known, and the number of trustees to manage the concerns of the association, which number shall not be less than six nor more than twelve, and thereupon may proceed to elect by ballot the number of trustees so determined on; and the chairman and secretary shall immediately after such election divide the trustees by lot into three classes, those of the first class to hold their office one year; those in the second class two years; and those in the third class three years; but the trustees of each class may be re-elected, if they shall possess the qualification hereinafter mentioned; the meeting shall also determine on what day in each year the future annual elections of trustees shall be held," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly* Section as amended.  
*of the State of New Jersey*, That any number of persons  
residing in this state, not less than seven, who shall desire  
to form an association for the purpose of procuring and  
holding lands to be used exclusively for a cemetery or a Mode of forming an association.  
place for the burial of the dead, may meet at such time  
and place as they or a majority of them may agree, and  
appoint a chairman and secretary by the vote of a ma-  
jority of the persons present at the meeting, and proceed  
to form an association by determining on a corporate  
name by which the association shall be called and known,  
and the number of trustees to manage the concerns of  
the association, which number shall not be less than  
three nor more than twelve, and thereupon may proceed  
to elect by ballot the number of trustees so determined Election of trustees.  
on; and the chairman and secretary shall immediately  
after such election divide the trustees by lot into three  
classes; those of the first class to hold their office one Term of office.  
year; those of the second class two years; and those of  
the third class three years; but the trustees of each class  
may be re-elected if they shall possess the qualifications  
hereinafter mentioned; the meeting shall also determine  
on what day in each year the future annual elections of  
trustees shall be held; and that any association now  
existing or that shall hereafter exist, under and by virtue  
of this act may by ballot change its present number of Number of trustees may be changed.  
trustees to any number not exceeding twelve or less than  
three at any annual meeting, and that the chairman and  
secretary shall then make out a re-classification according  
to the requirements of this section of this act, and at the  
next subsequent election those trustees in the first class  
of the re-classification shall be elected, and subsequent  
elections shall conform to such re-classification, but no  
trustee shall be deemed out of his office till the term for  
which he was elected shall have expired, except by death,  
resignation or removal out of the state, in which last  
event his trusteeship shall be deemed terminated; and for  
the purpose of electing trustees at any meeting after  
organization of the association, every creditor of such Who may vote.  
association in addition to his right to vote by virtue of  
his owning plats or lots according to section five of this  
act, shall be entitled to one vote for every four hundred

dollars' worth at par value of bonds, stock or other duly authorized evidences of debt he or she may own and hold against such association.

Approved March 14, 1879.

## CHAPTER CLXIII.

An Act to authorize cities to establish and maintain free public libraries and reading rooms.

Common Council empowered to establish a public library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of each incorporated city of this state shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not more than one-fifth of one mill on the dollar annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund."

Appointment of board of directors.

2. *And be it enacted*, That when any such common council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of its common council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office.

Term of office of directors.

3. *And be it enacted*, That said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years, from the first day of July following their appointment, and annually thereafter the mayor of said city shall, before the first day of July of each year, appoint three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed; the mayor may,

by and with the consent of the common council, remove any director for misconduct or neglect of duty.

4. *And be it enacted*, That vacancies in the board of directors from any cause, shall be filled by the mayor, and no director shall, as such, receive any compensation. Vacancies, how filled.

5. *And be it enacted*, That said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary; they shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act; they shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose; *provided*, Election of president and other officers. that all moneys received for such library shall be deposited in the treasury of said city, to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the said board of directors; said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall have power to remove such appointees, and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room. Powers of the directors.

6. *And be it enacted*, That every library and reading room established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading rooms any and all persons who shall wilfully violate such rules; and said board may extend the privileges and use of such Library and reading room to be free to the inhabitants of city where located.

library and reading room to persons residing outside of such city, in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe.

Directors to make an annual report to the Common Council.

7. *And be it enacted*, That the said board of directors shall make, on or before the second Monday in June, an annual report to the common council of said city, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund, and from other sources, and how such moneys have been expended, and for what purpose, the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of visitors attending, the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest; all such portions of said report as relate to the receipt and expenditure of money shall be verified by affidavit.

Report to be verified.

Common Council may pass ordinances for imposing penalties, &c.

8. *And be it enacted*, That the common council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or property thereof, and for injury to or failure to return any book belonging to such library, and said penalty may be enforced by rules adopted by the board of directors for that purpose, and in any manner provided in the charter of said city for the enforcement of other penalties for violation of ordinances.

Donations of money on property, how vested

9. *And be it enacted*, That any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right, and is empowered to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

Copy of the laws, &c., to be furnished by the State.

10. *And be it enacted*, That every public library established under the provisions of this act, shall be entitled to receive, for the use of such library, a copy of the laws,



journals, reports, and other works published by the authority of this state.

Approved March 14, 1879.

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## CHAPTER CLXIV.

A Supplement to the act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the members of any religious denomination, church or sect in this state which has no conference, assembly, synod or other legislative meeting, desire to found any institution in this state, the object of which shall be the promotion of learning, or to conduct and maintain any such institution already founded, the present owners and managers of which shall desire the same to be so conducted and maintained, any number of such members of such denomination, church or sect, not less than nine and not exceeding twenty-seven in number, shall meet at a time and place previously agreed upon, and when so met the said members, or not less than nine of them, may proceed to adopt a corporate name and to sign a certificate, which certificate shall contain a statement as to the following particulars:

Certificate of  
organization  
and corporation  
how made.

I. The name and residence of each signer;

Certificate.

II. The name or appellation of the church, sect, or denomination with which the signers are connected;

III. The location of the institution proposed to be founded, or if already founded, a statement of that fact and its location;

IV. The general purposes of the institution ;

V. The proposed name of said institution ;

VI. The proposed name of the corporation ;

Certificate to be  
acknowledged  
and recorded in  
office of County  
Clerk.

And after the said certificate is so signed the execution thereof shall be acknowledged before some person or persons authorized by the laws of the state of New Jersey to take the acknowledgments of deeds, and after being so acknowledged shall be recorded in the office of the clerk of the county wherein such institution is, or is proposed to be located, for which such clerk shall be entitled to the sum of one dollar, and after being so recorded by him shall be filed in the office of the secretary of state, for which such secretary shall be entitled to charge the sum of fifty cents, and thereupon the said persons so signing such certificate shall be and are hereby constituted a body corporate with powers to sue and be sued, to adopt a common seal, to make by-laws for their government and regulation, and shall have all the rights and powers, and be subject to all the liabilities of the corporations created by the act to which this is a supplement, so far as the same do not contravene the provisions of this act.

General power.

Deed of conveyance.

2. *And be it enacted*, That the present owners of any such institution, who shall desire the same to pass under the management and control of any corporation created under this act, may, by deed of conveyance, convey the same to such corporation, who shall hold the same in accordance with the terms of such deed of conveyance.

Vacancies, how filled.

3. *And be it enacted*, That for perpetuating a line of succession in said corporation whenever any vacancy shall happen by reason of the death, resignation or removal from the state of any of the members of said corporation, the remaining members may, by a majority vote of the whole number of members, elect any member of such church, sect or denomination, residing in this state, to fill the place of such member so deceased, resigned, or removed from the state.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXV.

A Supplement to an act respecting the court of chancery [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act to which this is a supplement, which section reads as follows:

"17. *And be it enacted*, That if the complainant reside out of this state, he shall, before issuing a process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant, in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor, who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court; and if the said bill and process be signed by the complainant, and not by any solicitor, then the said suit shall be stayed till such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed, with costs," be amended to read as follows:

17. *And be it enacted*, That if the complainant reside out of this state, he shall, before the issuing of a process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant, in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor,

Section to be  
amended  
recited.

Section as  
amended.

Bond to be given  
if complainant  
is a non-resident

who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court, to an amount not exceeding the penalty of said bond, and whether the said bill and process be signed by the complainant or his solicitor, then the said suit shall be stayed till such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed, with costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLXVI.

A Supplement to an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six.

Justice of the Supreme Court may on application direct proceedings to be removed out of Justices Court into Circuit Court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time after a summons has been issued according to the eighth section of the act to which this is a supplement, and before the return thereof, either the party, plaintiff or party defendant may apply to a justice of the supreme court, who, if he shall deem the case of sufficient importance, may issue an order under his hand directing the said justice of the peace to file forthwith the said complaint, and all the other papers appertaining to the proceedings, in the office of the clerk of the circuit court of the county in which said proceedings were commenced, and thereupon said circuit court shall have full and exclusive cognizance of the case; and said circuit court shall be always open for such purpose.

Judge of Circuit to cause a venire facias for a jury to be issued.

2. *And be it enacted*, That immediately upon such papers being filed in said clerk's office, the judge of said circuit court shall cause a venire facias for a jury to be

issued returnable into said court in not more than two weeks from the time of issuing the same; and which writ shall be executed by the sheriff or other officer according to the practice of said court in like cases, and on the day of the return of said writ the case shall be tried, unless for good cause shown the said trial shall be adjourned, in which case such adjournment and all other adjournments shall be for the shortest periods practicable.

Execution of writ.

3. *And be it enacted*, That such notice of the trial shall be given as the said judge may direct, the parties if they shall agree to do so, may waive a trial by jury, and submit the case to the judge on the law and facts.

Trial by jury may be waived.

4. *And be it enacted*, That the jurors to be summoned by virtue of said writ of venire facias, shall be such as would be qualified to serve as jurors under the act to which this is a supplement, and shall have administered to them the same oath that is required by the eleventh section of said act, and the trial of said case shall be conducted in all things in accordance with the directions of said act.

Qualification of jurors.

5. *And be it enacted*, That a judgment shall be entered on the finding of the judge or the jury, and if the same be in favor of the complainant, he shall recover treble costs, including treble of all costs incurred before the justice of the peace, and a writ of restitution shall issue to the sheriff of the county, commanding him to cause the complainant to be resealed or repossessed, and to which shall be added a clause commanding said sheriff to levy said treble costs of the goods and chattels and lands of the offender, and for want thereof to take the body of such offender and him safely keep in close custody in the common jail of the county until he shall pay the same, or be thence delivered by due course of law.

Proceedings in case judgment be entered in favor of complainant.

6. *And be it enacted*, That no writ of restitution shall be issued upon any judgment rendered in pursuance of this act until eight entire days, exclusive of Sundays, shall have elapsed after the rendition of such judgment, which writ when issued shall be returned into said circuit court within three months thereafter by the sheriff or other officer to whom the same shall have been delivered, with his proceedings thereon; if judgment be ren-

Writ of restitution.

Where to issue and where returnable.

dered for the defendant he shall have execution in like manner for his costs.

Power of the court.

Writ not to stay execution unless order to that effect is endorsed thereon.

7. *And be it enacted*, That said circuit court shall have the same power with respect to said proceedings, and the same control over the verdict and judgment as it has in other cases within its jurisdiction, and from the judgment so entered a writ of error shall lie to the supreme court; but such writ shall not stay the execution of such judgment, unless upon an order to that effect endorsed on said writ by said circuit judge, and upon a bond with sufficient surety being given in an amount which he shall designate, conditioned to indemnify the party in whose favor said judgment was rendered against all losses and damages which he may sustain by reason of final process being stayed.

Fees.

8. *And be it enacted*, That the same fees shall be allowed for services performed under this act as are given by the act to which this is a supplement, except that the fees of the judge and clerk of said circuit court shall be such as are or shall be allowed for like services in other cases in said court.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXVII.

An act to enable cities to create and maintain a sinking fund for the redemption of their bonded indebtedness.

Authorized to establish a sinking fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state, having a population less than one hundred thousand inhabitants, by resolution of the common council thereof, at any time hereafter, to establish a sinking fund for the cancellation of its bonds, and

from time to time to fix the rate to be annually assessed therefor; *provided, however,* that the rate to be so assessed Proviso. for the said purpose shall not in any case exceed one quarter of one per centum of the valuation of real and personal estate for general taxation.

2. *And be it enacted,* That on application by, or on behalf of the common council of any city in this state, which may pass such resolution as aforesaid, the supreme court of this state, or any justice thereof, shall appoint under his hand, some proper person, to be styled "commissioner of sinking fund," who shall have the management of the sinking fund of such city, and the said court or justice shall also, thereupon, fix the yearly compensation of such commissioner, which shall include and cover Justice of the Supreme Court to appoint commissioner of sinking fund. all the expenses of the said office; and shall also determine the amount in which such commissioner shall give bond, and the number of his sureties; and the said commissioner, before entering upon the duties of his said office, shall execute a bond to such city, in the corporate Compensation of commissioner. name thereof, in such amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties of his said office, which said bond shall be approved by the said supreme court, or justice thereof. Shall give bond.

3. *And be it enacted,* That the said commissioner shall reside in the city for which he may be appointed during his whole term of office, which shall be five years, and until a successor shall be appointed; but in case of death, removal from the said city, or other disability, a successor shall be immediately appointed as aforesaid, for the term of five years, who shall give bond as aforesaid. Term of office and place of residence of commissioners.

4. *And be it enacted,* That when, at any time hereafter, any city in this state shall, by resolution of the common council thereof, determine to assess a certain annual rate for the purpose mentioned in the first section of this act, not exceeding the rate therein mentioned, and shall have procured to be appointed a commissioner in the manner indicated in this act, and the said commissioner shall have given bond, and the same shall have been approved as aforesaid, such assessment shall be added to, and levied, and raised with and in the same manner as the general tax levy of such city, and form a part thereof, Assessment to form a part of the general tax levy of the city.

and the money so raised shall be paid into the hands of such commissioner as, and when, and as soon as the same shall be collected by the collector of taxes (in the ratio that the amount received shall bear to the amount levied), for the purpose of establishing a sinking fund for the payment and cancellation of the bonds of such city.

Investment of  
moneys by com-  
missioner.

5. *And be it enacted*, That all moneys received by such commissioner as aforesaid, shall be invested by him, as such commissioner, for the benefit of the said sinking fund, within three months after the receipt thereof:

I. In the bonds of such city, when they can be purchased at a rate satisfactory to such commissioner, and the mayor and treasurer of such city;

II. In bonds of the United States;

III. In bonds of any county of this state, when they can be purchased at a rate satisfactory to such commissioner, mayor and treasurer as aforesaid.

Redemption  
and cancellation  
of bonds.

6. *And be it enacted*, That all the bonds of such city, the redemption whereof shall not be otherwise provided for, shall be redeemed, paid and cancelled by the means aforesaid, as rapidly as possible; and as soon as the same shall be paid and cancelled, all compensation to such commissioner shall cease, notwithstanding that his term of office may not then have expired.

Semi-annual re-  
ports to be  
made.

7. *And be it enacted*, That such commissioner shall report in writing under his hand to the said common council, every six months, all the transactions of his said office during the preceding six months, and that the finance committee of the said common council shall, at all reasonable times, have the right to inspect the books, papers, vouchers and transactions of such commissioner's office.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



## CHAPTER CLXVIII.

A Further Supplement to the act entitled "An act concerning elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any township containing eleven hundred voters and over, which shall have been divided into two election districts, the township committee thereof may, if they shall deem it for the convenience of the voters therein, divide said township into three election districts; *provided*, the said division shall be made before the first day of August next; *and provided also*, that this act shall not apply to counties having a population less than one hundred thousand, and in making such division the said township committee shall be governed by the provisions of the act to which this is a supplement.

When township may be divided into three election districts.

Proviso.

Proviso.

2. *And be it enacted*, That the officer of such election district shall be appointed and elected in the same manner as is provided by the act to which this is a supplement.

Appointment of officer of election district.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXIX.

An Act to amend an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of said act, which is in the following words, to-wit:

Section to be  
amended recited

"8. *And be it enacted*, That the said corporation shall annually elect some fit person, being a freeholder and resident in the county, and not a member of such corporation, for their clerk, who shall be entitled to the sum of one dollar and a half for every day he shall be employed in the duties of his office, and whose duty it shall be to keep the minutes, and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation; which clerk shall, before he enters upon the execution of his office, take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office," be and the same is hereby amended to read, and be in the words following, to-wit:

Section as  
amended.  
Election of  
clerk.

8. *And be it enacted*, That the said corporation may annually elect some fit person, being a resident in the county, and not a member of such corporation, for their clerk, who may be entitled to such per diem compensation, or annual salary, as the corporation may by resolution fix; *provided*, that in counties having less than seventy thousand inhabitants such annual salary shall not exceed three hundred dollars; *provided further*, that

Proviso.

Proviso.

in any county where the clerk is now paid an annual salary by law, or by any resolution or by-law of such corporation, such salary shall not be increased beyond the amount now so fixed as aforesaid; it shall be the duty of the clerk to keep the minutes, and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and he shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation; before he enters upon the duties of his office, the said clerk shall take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXX.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons legally qualified to vote at town and municipal elections in this state shall hereafter elect for each township and ward but one chosen freeholder, and the chosen freeholders so elected in the several counties of this state, having a population by the last state census of not less than twenty-four thousand four hundred inhabitants, and not exceeding thirty-six thousand inhabitants, shall constitute "the board of chosen freeholders" in and for the same.

2. *And be it enacted*, That from and after the passage of this act, the chosen freeholders to be elected in the several

wards and townships of this state shall be elected at the same times, for the like term, and in the same manner as chosen freeholders are now elected therein, respectively; and they shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as chosen freeholders in this state now are.

**Repealer.**

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXI.

An Act for the improvement of the sanitary condition of cities.

**Board of health to view district said to have insufficient drainage.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least twenty-five freeholders, residents of any particular city in this state, situated in any county of this state having a county board of health, stating that any particular place or district in such city is in a condition detrimental to the public health of such city or any part thereof by reason of insufficient drainage, it shall be the duty of such board of health to forthwith appoint a time and place to meet for the purpose of viewing the district said to be insufficiently drained, at which time and place so appointed said board shall meet and proceed to the place or district designated in such petition, and carefully to inspect and examine the same.

**Board of health to make certificate to mayor and council.**

2. *And be it enacted*, That if the board of health, or a majority of the members thereof, are of opinion that the place or district by them viewed and inspected, pursuant to the provisions of the first section of this act, is in a condition which is detrimental to the public health by

reason of insufficient drainage, and that it is advisable and proper that the same should be drained, they shall so certify to the mayor and council, the mayor and aldermen, or other governing body of the city wherein such insufficiently drained place or district is situate.

3. *And be it enacted*, That upon receiving the certificate of the board of health, that any particular place or district is in a condition detrimental to the public health by reason of insufficient drainage, and that it is advisable and proper that the same should be drained, the corporate authorities of the city in which such place or district requiring to be drained is situated may appoint a competent civil engineer or engineers to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tide banks, and such other works as may be necessary to secure a sufficient and proper drainage of the place or district requiring to be drained.

Common council to direct plans and specifications to be made for the building of sewers, &c.

4. *And be it enacted*, That upon receiving the report of the civil engineer or engineers appointed pursuant to the preceding section of this act, the corporate authorities of such city may by ordinance, authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tide banks and such other works as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

Duty of the corporate authorities on receiving the report of the civil engineer.

5. *And be it enacted*, That the corporate authorities of such city, in case they decide to do the work, shall advertise for proposals for doing and constructing said works, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvements in such city.

Contracts, how awarded.

6. *And be it enacted*, That such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay such contractor or contractors, by issuing and selling registered or coupon bonds, pledging the property and credit of such city for the payment thereof, payable in not less than two nor more than five years from the date thereof, with interest at the rate of not more than

Certificates of indebtedness may be issued.

Sale of bonds authorized.

**Proviso.**

six per centum per annum; *provided*, the sale of such bonds shall be advertised for at least ten days in the official paper or papers of such city, such other papers as the mayor and council of said city shall direct, and shall be sold to the highest bidder or bidders therefor; *and*

**Proviso.**

*provided further*, that no more bonds shall be issued and sold than are necessary to raise sufficient money to complete such sewer or sewers, and other works necessary to secure the drainage provided for by this act.

**Costs and expense to be assessed upon real estate benefited.**

7. *And be it enacted*, That the costs and expense of constructing such sewer or sewers, pumps, dykes, dams, tide banks and such other works as may be deemed necessary for the purpose aforesaid, shall be assessed upon the real estate specially benefited thereby, in proportion to the benefit received; and that any moneys which may be collected from assessments for any improvements made under the provisions of this act shall constitute a sinking fund, and be inviolably applied to the payment of such bonds or improvement certificates as may have been issued for the payment of said improvement.

**Assessment, how made and collected.**

8. *And be it enacted*, That such assessment shall be made and collected in the same manner as assessments are made for the construction of sewers in other cases in such city.

**Excess of costs and expenses, how raised.**

9. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefit to lands specially benefited thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other city purposes are assessed, levied and collected.

**Annual appropriation to be made.**

10. *And be it enacted*, That in case it is necessary to erect pumps or other works which will require to be operated by steam power or by other artificial means, requiring an annual expenditure of money to operate the same, it shall be the duty of the inhabitants of such city, or of the board of tax commissioners, the board of works, or other body having authority to make appropriations of money to be raised by taxation, to appropriate

and cause to be raised annually by taxation, a sufficient sum of money to run and operate such pump or pumps or other works, for the purpose of securing a proper drainage of the place or district required to be drained.

11. *And be it enacted*, That the corporate authorities of such city in which such drainage works shall be erected, shall have power to appoint an engineer or engineers and such other servants and workmen as may be necessary to operate the same, and to fix the compensation to be paid to them respectively. Appointment of engineer or engineers, &c.

12. *And be it enacted*, That no city shall issue bonds in excess of the limit provided by its charter or the several amendments of the same; *and provided further*, that any issue of bonds under this act shall not increase the total indebtedness of any such city to an amount exceeding eight per centum of the assessed valuation of the taxable property of such city. Bonds not to issue in excess of limit provided by charter.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLXXII.

An Act to enable municipalities to award compensation for lands taken for streets, and to assess the damages caused by improving such streets, and to provide for the assessment of such costs on lands benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city or village since incorporated as a city, by reason of any supposed right under its charter or from other cause, has widened, regulated or graded any street without, by condemnation proceedings or otherwise, having acquired the right to take and appropriate the lands which have in fact been taken and appropriated for such purpose, or without Application may be made to justice of supreme court for the appointment of commissioners to review proceedings, &c.,

taking lawful proceedings to ascertain and award the damages sustained by owners of real estate by reason of appropriating such lands or regulating and grading such street, it shall be lawful for the corporate authority of such city to apply to a justice of the supreme court for the appointment of three commissioners to review the proceedings had and taken for the improvement of such street.

Application to  
be in writing.

2. *And be it enacted*, That the said application shall be in writing, and shall set forth the facts upon which it is founded.

Notice to be  
given of time  
and place of  
presentation of  
application.

3. *And be it enacted*, That one week's notice of the time and place, when and where the said application will be presented to the said justice, shall be published in a newspaper published and circulating in said city, and shall be served personally upon the owners of lands fronting upon the improvement who reside in said city, or by leaving the same at their residences, and by mailing the same to non-resident owners at their post office address, if known.

Appointment  
of commission-  
ers.

4. *And be it enacted*, That the said justice upon being satisfied that due notice of the application has been granted, and that the facts set forth in the said application are true, and that they are sufficient under the first section of this act to justify the said application, shall appoint three disinterested persons commissioners to review the said proceedings.

To make oath.

5. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath before some person authorized to administer the same, that they will faithfully and impartially perform the duties required of them.

Commissioners  
to examine the  
premises and  
ascertain the  
value of the  
lands taken and  
assess the total  
value, &c.

6. *And be it enacted*, That the said commissioners shall view the premises and shall ascertain to the best of their ability the present condition of the street and its condition before it was widened, regulated or graded, and shall examine into the whole matter touching the improvement of said street, and shall ascertain what lands have been taken and appropriated for such purpose, the value thereof, the owner's name so far as practicable, the damages caused by making the improvement, the costs and



expenses thereof to the date of their report, including interest, and thereupon the said commissioners shall assess the total amount of the value of lands taken, and the damages, costs and expenses so ascertained in an equitable manner upon all the lands benefited by the widening, regulating, grading and improving of said street, in proportion to the benefit received by each parcel, assessing no parcel however beyond the benefit received by it, and the excess, if any, of such cost, damages and expense shall be borne by the city at large.

7. *And be it enacted*, That the commissioners shall make a report of the estimate and assessment so made by them, and before proceeding to sign the same shall file it in the office of the city clerk for examination by parties interested therein, and shall give ten days' notice by publication in two newspapers published or circulated in said city that such report has been deposited as aforesaid, and also the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same and return it with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the city council.

Commissioners  
to make and file  
a report.

8. *And be it enacted*, That every report made as aforesaid and presented to the city council, shall be referred by them to the proper committee for consideration; and in case of any objection in writing being returned with such report, the said committee shall give ten days' notice by publication in two newspapers published or circulating in said city, to the parties interested, of the time and place where and when they will meet to hear them on the objections and report; and said committee shall thereupon examine the matter and report to the city council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Report to be  
referred to  
proper com-  
mittee of city  
council.

Report of com-  
mittee

9. *And be it enacted*, That the city council shall within thirty days thereafter examine the matter, and may correct said report, if they deem proper, and ratify the same; or they may return such report to the said commissioners

Proceedings if  
report is not  
ratified.

who may have signed the same, and the like proceeding shall be had when the report is returned as in the first instance.

Proceedings  
where an assess-  
ment shall have  
been made  
against owner.

10. *And be it enacted*, That when the commissioners in the said report shall have made an award to any owner for land taken, or damages done, or both, and have made no assessment for benefits against the same owner, in such case the full amount of the award shall be paid to such owner; but where an assessment for benefits shall have been made against such owner, only the excess of the award for land taken and damages over the assessment for benefits shall be paid to such owner; such payment shall be made by the city treasurer under the direction of the city council to the owner, if a resident in said city; but if any such owner is not resident in said city, or if upon due inquiry cannot be found therein, or is under age, or if for any other lawful causes he is incapacitated to receive the same, then the city treasurer shall make affidavit of such facts and file the same with the city clerk, and the said city council inquiring into the facts shall cause the amount to be placed at interest or good security for the use of the person for whom it may be due.

When land is to  
be considered as  
lawfully con-  
demned for  
public use.

11. *And be it enacted*, That upon the payment of the said awards in manner aforesaid, the land so appropriated for such street shall be regarded as lawfully condemned to the public use, and the assessments for benefits, or in case of awards for lands taken and damages, the excess of such assessment over the awards, with interest at six per centum per annum from the date of the making and signing of said report by the commissioners, shall be and remain a lien upon the lands upon which they are assessed, and shall be proceeded with and collected within the same time and in the same manner and under the same penalties as assessments of benefits for regulating and grading streets are directed to be collected under the present laws governing such city.

Vacancy, how  
filled.

12. *And be it enacted*, That in case of the resignation, death, disability or refusal to act of one or more of the said commissioners, it shall be lawful for the said justice upon notice, and the case of the appointment of the original commissioners, to supply by appointment the vacancy

or vacancies caused by such resignation, death, disability or refusal to act.

13. *And be it enacted*, That the commissioners shall be entitled to receive for the services the sum of three dollars a day each, which fees, together with any cost incurred by them for surveying, examining titles, procuring maps, shall be regarded and assessed as part of the costs of the said improvement; *provided*, that nothing in this act contained shall take away or effect any right to certiorari which any person may have by virtue of any proceedings hereunder. Compensation.  
Proviso.

14. *And be it enacted*, That this act shall take effect immediately, but it shall not apply to any city which contained more than five thousand inhabitants by the census of one thousand eight hundred and seventy-five. Act not to apply

Approved March 14, 1879.

## CHAPTER CLXXIII.

An Act to regulate the elections of insurance companies in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter at the election of directors, managers or other officers of any insurance company in this state, whether such company exists under the general law of the state, or under special charter granted by the legislature of the state, every voter may vote in person or by proxy, but no proxy of any person entitled to vote at such election shall be voted on, allowed or received, which shall at the time of such election have been executed more than one year prior to such election. Proxy not to be  
voted on if exe-  
cuted more  
than one year  
prior to elec-  
tion.

2. *And be it enacted*, That due notice, as required by the laws of the state, or charters and by-laws of the companies, shall be given to those entitled to vote at such Notice of elec-  
tion to be given.

elections, of the time and place of holding such election, and of the directors and officers to be elected.

Penalty for failure to comply with provisions of this act.

3. *And be it enacted*, That upon the wilful failure to comply with the provisions of this act, by any officer of any insurance company, present and officiating, whose duty it may be to act in the premises, such officer shall forfeit and become liable to pay the sum of five hundred dollars as a penalty for such failure, the same to be sued for and collected by the attorney general in the name and for the use of the state, and such election shall be declared null and void.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXIV.

An Act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire insurance companies not organized under the laws of this state, but doing business herein.

Agent or agents to return amount of premiums received, to treasurer of fire department relief fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents of any foreign fire insurance company doing business in any city of this state having a fire department relief fund, shall return to the treasurer of such fire department relief fund of the city in which he is doing business, on the thirty-first day of December, and the thirtieth day of June, of each year, a just and true account, verified by his oath, that the same is a true account of all premiums which during the six months ending on the thirty-first day of December, or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the

capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance, or against loss or injury by fire upon property situate in such city, which shall have been effected for any individual or association not incorporated by the laws of this state.

2. *And be it enacted*, That such agent or agents of every fire insurance company aforesaid shall, some time in the months of January and July in every year in which he shall act as such agent, deliver and pay to the treasurer of the benevolent fund of the fire department of the city in which such agent is doing business, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said periods for which they may have acted as such agents, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent for premiums on any insurance against loss or injury by fire upon any property.

Payment of tax on premiums to be paid semi-annually.

3. *And be it enacted*, That such agent doing business as aforesaid, shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance and the premium paid therefor; and in case any fraud or dishonesty in the return made by such agent as provided for in section one of this act be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city in which such agent is doing business, to obtain order from the presiding judge of the court of common pleas of the county in which said city is located, compelling such agent to produce in said court his books of accounts for examination by said court.

Agent to keep accurate books of all business, &c.

Proceedings in case of apparent fraud in return of agent.

4. *And be it enacted*, That every agent of any foreign fire insurance company who shall neglect to keep such books of accounts as aforesaid, or shall refuse to produce the same in the court of common pleas as aforesaid, upon an order of said court, or shall fail or neglect to

Penalty for failure.

report and pay over the money due upon the premium, at the times and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall for each offence forfeit five hundred dollars, for the use and benefit of the fire department benevolent fund of such city.

Duty of secretary of state in case report is made of default in payment.

5. *And be it enacted*, That in case of making default in payment, or in case of the failure to pay and satisfy any forfeiture or penalty adjudged to be due to the provisions of this act, the same being reported to the secretary of state in writing, attested by the oath of said treasurer, the secretary of state shall forthwith revoke any certificate of authority previously issued under which such default shall have occurred, but such revocation of certificate shall not release any penalty or forfeiture previously incurred.

Not to alter or abridge any reciprocal legislation in regard to percentage of taxes on premiums.

6. *And be it enacted*, That this act shall not alter or abridge any reciprocal legislation existing between the different states of the United States, in regard to the percentage of taxes collected by the insurance department of this state, but said amount of premiums paid by any insurance company to the treasurer of the benevolent fund of the fire department shall be deemed a part of said reciprocal tax now collected by the insurance department of this state.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXV.

A Supplement to an act entitled "An act to provide for the assessment and payment of costs and expenses incurred in constructing sewers, and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth section of the act to which this is a supplement, which reads as follows:

"13. *And be it enacted*, That for the purpose of paying the costs, damages and expenses of constructing any sewer, or laying out, opening, widening or otherwise improving any street or avenue, the assessment for which is provided for in this act, and all other expenses incident thereto, and the interest upon such expenses, the said board of commissioners is hereby authorized to issue bonds in the name of such board of commissioners, and pledging for the redemption thereof the faith and credit of said board of commissioners, bearing interest at such rate as the said board of commissioners can dispose of said bonds at, not exceeding legal interest, which bonds shall be made payable at such time or times as the said board of commissioners may at the time of issuing the same determine, not over fifteen years from the date of issuing the same, but so issued that an equal portion of the same shall become and be due and payable in each year after two years from the date of said bonds; said bonds shall be issued in such sums as the said board of commissioners may determine, not exceeding in the aggregate the amount of the assessment as found by the commissioners to be appointed by the court as aforesaid, together with all the expenses incident to said assessment, and the costs incurred (if any), in setting aside the origi-

Section to be  
amended recited



nal assessment, and may be disposed of by the said board of commissioners, from time to time, as may be necessary, at the highest rate for which they can dispose of the same; said bonds shall be issued under the seal of the said board of commissioners, and be signed by the president or other head officer, and treasurer of such board of commissioners, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners as well as the property of the said board of commissioners," be and the same is hereby amended so that the said section shall read:

Section as amended.

Board of commissioners authorized to issue bonds.

When payable.

13. *And be it enacted*, That for the purpose of paying the costs, damages and expenses of constructing any sewer, or laying out, opening, widening, or otherwise improving any street or avenue, the assessment for which is provided for in this act, and all other expenses incident thereto, and the interest upon such expenses, the said board of commissioners is hereby authorized to issue bonds in the name of such board of commissioners, and pledging for the redemption thereof the faith and credit of said board of commissioners, bearing interest at such rate as the said board of commissioners can dispose of said bonds at, not exceeding legal interest, which bonds shall be made payable at such time or times as the said board of commissioners may at the time of issuing the same determine, not over fifteen years from the date of issuing the same, but so issued that an equal portion of the same shall become and be due and payable in each year after two years from the date of said bonds; said bonds shall be issued in such sums as the said board of commissioners may determine, not exceeding in the aggregate the amount of the costs, damages and expenses incurred for such improvement ascertained by the commissioners appointed by the court as aforesaid, together with all the expenses incident to said assessment, and interest upon the amounts to be refunded for payments made under any former assessment as provided for in the twelfth section of this act, and the costs incurred, if any, setting aside the original assessment, and may be disposed of by the said board of commissioners from time to time as may be necessary, at the highest rate for which they can dis-



pose of the same; said bonds shall be issued under the seal of the said board of commissioners, and signed by the president or other head officer and treasurer of such board of commissioners, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners as well as the property of the said board of commissioners. How executed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXVI.

An Act to authorize the merging of insurance companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two insurance corporations, organized under any law of this state, are hereby authorized to merge in manner following: the directors of any two such corporations may enter into and make an agreement under their respective corporate seals for the merger of one of said companies into the other of them, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the amount of capital and number of shares of the stock into which the same is to be divided (which capital shall not be larger in amount than the aggregate amount of capital of the two companies), with such other particulars as they may deem necessary, not inconsistent with the provisions of the said last named act, and the acts amending and extending the same, and which agreement shall be subject to the approval of the commissioner of insurance. Mode of procedure for merging companies.

2. *And be it enacted*, That such agreement of the directors shall not be deemed to be the agreement of the said corporations so proposing to merge one into the other, until Consent to agreement to be first had and obtained.

the assent of one-half of the stockholders, owning two-thirds of the stock of each of said companies so proposing to become merged into one, be obtained; and when such agreement of the directors has been sanctioned and approved by one-half of the stockholders of each of said companies, owners of two-thirds of the stock thereof, in the manner hereinafter prescribed, then such agreement of the directors shall be deemed to be the agreement of the said corporations, and such assent in writing, or a duplicate thereof attached to the said agreement, shall be evidence of the assent of such stockholders.

New certificates  
of stock to be  
issued.

3. *And be it enacted*, That upon the making, sanctioning and approving of the said agreement in the preceding sections mentioned in the manner therein required, and the filing of the duplicates or counterparts thereof, and of the assent in writing mentioned in the preceding section, with the approval of said commissioner, in the office of the clerk of the county where the principal office of the said corporation is located, and in the office of the commissioner of insurance, then and immediately thereafter the said corporations shall be merged in the corporation provided for in the said agreement, and the details of such agreement shall be carried into effect as provided therein; and it shall be lawful for said corporation to require the return of the original certificates of stock held by each stockholder in each of the companies, and in lieu thereof to issue new certificates for such number of shares of its own stock as the said stockholders may be entitled to receive.

When rights,  
franchises and  
interests shall  
be deemed to be  
vested.

4. *And be it enacted*, That upon the merger of any corporation in the manner herein provided, all and singular, the rights, franchises and interests of the said corporation so merged, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such corporation as the other of them has become merged, without any other deed or transfer; and said last named corporation shall hold and enjoy the same, and all the rights of property, franchises and interests in the same manner and to the same extent as if the said corporation so merged should have continued to retain the title and transact the business of such corporation; and the title

and real estate acquired by the said corporations so merged shall not be deemed to revert by means of such merger, or anything relating thereto.

5. *And be it enacted*, That the rights of creditors of any corporation that shall be so merged shall not in any manner be impaired by any such merger, nor shall any liability or obligation for the payment of any money now due or hereafter to become due to any person or persons, or any claims or demand in any manner, or for any cause existing against any such corporation or against any stockholder thereof, be in any manner released or impaired, but such corporation, into which the other shall become merged is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge all such debts and liabilities of the merged corporation in the same manner as if such corporation into which the other shall become merged had itself incurred the obligation or liability to pay such debt or damages, and stockholders of the respective corporations, so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such merger, and no suit, action or other proceeding then pending before any court or tribunal, in which any corporation that may be so merged is a party, shall be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said corporations had not entered into the said agreement, or the said last named corporation may be substituted in the place of any corporation so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

Rights of creditors not to be impaired by reason of merger.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXVII.

An act to repeal section nine of an act entitled "An act respecting executions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the said act, which reads as follows:

Repealer.

"9. *And be it enacted*, That whenever a writ of execution shall be issued against the inhabitants of any township, city or borough of this state, by any court authorized to issue the same, in case there should be no property belonging to said township, city or borough, sufficient to satisfy the same, whereon to levy, then the officer authorized to execute said process shall serve a copy of the same on the collector of said township, city or borough, who is hereby required to pay and satisfy the same out of the first moneys belonging to said township, city or borough, which shall come to his hands," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXVIII.

An Act to amend section eighty-six of the act entitled  
“An act to establish a system of public instruction.”

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-six of the act entitled “An act to establish a system of public instruction,” and which section reads as follows:

“86. *And be it enacted*, That in addition to the tax imposed by the seventy-seventh section of this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in the following manner, unless otherwise authorized by any special act applicable to such city school district: the legal voters of such district are hereby authorized and required to meet on the Tuesday of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, and the amount of money desired to be raised, shall be given by the district clerk, and set up in at least three public places within the district, ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of a majority of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the inhabitants so assembled shall agree to; and in case any money shall be ordered by a vote of a majority of said meeting to be raised by taxation, the

Section to be  
amended re-  
cited.

district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the county superintendent, which said assessor or assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected at the time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such a vote of a district meeting as aforesaid, on the order of the district clerk of said district, to be used for the purposes directed by the district meeting so held as aforesaid; *provided*, that whenever any district school meeting shall be held as aforesaid, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting set up in the manner required by law; *and provided further*, that whenever, in the judgment of the trustees of any district, it shall be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given as aforesaid," be and the same is hereby amended to read as follows:

Section as amended.

Mode of procedure for raising additional school tax.

86. *And be it enacted*, That in addition to the tax imposed by the seventy-seventh section of this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in the following manner, unless otherwise authorized by any special act applicable to such city school district: the legal voters of such district are hereby authorized and required to meet on the Tuesday of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon

the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, and the amount of money desired to be raised, shall be given by the district clerk, and set up in at least three public places within the district, ten days before the day of meeting; and the said inhabitants so met, shall have power, by the consent of a majority of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge, or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the inhabitants so assembled shall agree to; and if at such meeting the trustees shall be authorized to borrow money not exceeding four hundred dollars in amount, to build or repair a school house to cost less than five hundred dollars, such meeting may direct that the money to pay the debt so authorized to be raised by poll-tax, assessed upon the taxable inhabitants of said district, and that one hundred dollars with interest on the amount of said borrowed money remaining unpaid be so raised, in each year, for a period of four years; and in case any money shall be ordered by a vote of a majority of said meeting, to be raised by taxation, the district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the county superintendent, which said assessor or assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such a vote of a district meeting as aforesaid,

Amendment.

Proviso.

on the order of the district clerk of said district, to be used for the purposes directed by the district meeting so held as aforesaid; *provided*, that whenever any district school meeting shall be held as aforesaid, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting set up in the manner required by law; *and provided further*, that whenever, in the judgment of the trustees of any district it shall [not] be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given as aforesaid.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXIX.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Ordinary to  
make order up-  
on application  
of surety to  
give public no-  
tice to the cred-  
itors of dece-  
dent to bring in  
their debts  
within three  
months from  
date of order.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any bond given by executors or administrators in pursuance of the act to which this is a supplement, which has or shall become forfeited and has been or may be caused by the ordinary to be prosecuted to judgment, in any court of record, and it shall be made to appear to the ordinary, by petition filed by any surety, against whom judgment has been or shall have been rendered, upon such bond



that the damages sustained by the non-performance of the condition of such bond, together with the costs of suit and execution fees thereon, have been fully satisfied so far as such surety shall have been able to ascertain such damages, and that such executor or administrator, who has or shall have caused such forfeiture, has or shall have absented himself from this state for seven years successively, and has or shall have neglected and failed properly to proceed with the administration of the estate, for the performance of which such bond was or shall have been given, and no administrator has been appointed in his stead, the ordinary, upon application of such surety, may make an order directing such surety to give public notice to the creditors of the decedent and any persons grieved by the forfeiture of such bond, to bring in their debts, demands and claims against the estate of the decedent, under oath, within three months from the date of such order, by advertising such notice for six weeks successively, once in each week, in one or more of the newspapers of this state, as may be directed in said order, and any further notice, in case the ordinary shall judge the same necessary, and such notice shall be advertised within twenty days after the date of such order.

2. *And be it enacted*, That when any order to bring in debts and claims, shall be made in pursuance of the preceding section, all claims and demands of the creditors of the deceased, and of all persons aggrieved by the forfeiture of such bond, shall be presented in writing, specifying the amount claimed and the particulars of the claim, and shall be verified under oath, or the bringing in of the same shall be of no effect. Claims and demands must be presented in writing.

3. *And be it enacted*, That the surety or sureties may except to any claim, debt or demand which be so put in, and thereupon the same shall be tried in such manner as the ordinary may direct, and the ordinary may, if the same be not proved on such trial, to his satisfaction, disallow and reject the same. Exceptions to claims.

4. *And be it enacted*, That after the expiration of the time in such order limited, the ordinary, upon proof, to his satisfaction, that such notice has been advertised as directed, and that no claims or demands have been pre- Satisfaction of judgment to be entered.

sented, or that all claims which have been presented and allowed, have been fully paid and satisfied by such surety, or otherwise, may order satisfaction of such judgment to be entered pursuant to the provisions of the act entitled "An act concerning judgments" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

5. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLXXX.

An Act to regulate the taxing and assessing of lands heretofore sold, or which may hereafter be sold in any city, incorporated town or township of this state, for non-payment of taxes, assessments or water rents, and which lands may have been or may hereafter be purchased by said city, town or township, or by any person in its behalf.

Taxes, assessments and water rents to be continued upon lands or real estate in the hands of the city, town or township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city, incorporated town or township of this state, in which lands or real estate have been heretofore sold, or shall be hereafter sold, for non-payment of taxes, assessments, or water rents, and purchased by such city, town or township, or by any person in its behalf, subject to the right of redemption provided for by law, the taxes, assessments and water rents shall continue to be assessed upon said lands or real estate in the hands of such city, town or township, or the person holding in its behalf; but it shall not be necessary to advertise said lands for sale for non-payment of any such tax, assessment or water rent, now laid or hereafter to be laid, or to sell said lands or real estate

therefor, and said taxes, assessments and water rents with interest at ten per centum per annum, unless such interest shall be fixed by such city at a rate not less than six nor more than ten per centum, shall be and remain a first lien upon said lands or real estate, and shall be paid to such city before said lands or real estate can be redeemed.

2. *And be it enacted*, That any such city, town or township shall have power to sell said lands, or real estate, and to direct the transfer of the declaration of sale now authorized by law to be issued, subject to the right of redemption provided for by law, to any person paying the amount of the taxes, assessments or water rents for which said lands or real estate may have been sold, and the subsequent taxes, assessments, or water rents, assessed and made a lien pursuant to the provisions of this act, and after the expiration of the time for redemption and the giving of the notices required by law to be given to any mortgagee or other person, such sale or transfer shall vest in such purchaser all the estate which such city, town or township, or the person holding in its behalf, may have in said lands or real estate.

Power to sell  
lands or real  
estate.

3. *And be it enacted*, That no fees shall be allowed to, or paid to any official for any services connected with the assessing or collecting of any such tax, assessment or water rent.

Fees not  
allowed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXI.

An act to authorize incorporated cities in the state of New Jersey to adjust and compromise past due taxes.

**Preamble.**

WHEREAS, certain taxes heretofore levied within cities in this state have been illegally assessed or made.

**Proceedings for  
adjusting past  
due taxes.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed to examine, revise, alter, adjust and compromise all or any such past due taxes, in said cities respectively, the justness and legality of which may be disputed by any person or persons or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council, and in all cases the final action of such committee, board of finance and taxation, or commissioners, upon any case arising under this act, shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities, respectively.

**Proviso.****Proceedings in  
case any person  
or persons or  
corporation is  
aggrieved.**

2. *And be it enacted*, That any person or persons or corporation, separately or collectively, aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition, therein stating his or their objections to the same, and praying relief, and upon so presenting such petition, the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen or common council, or board of finance and taxation, or

commissioners of the sinking fund, or any committee therein duly appointed by resolution of said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just, and that every such past due tax which shall be so revised, altered, adjusted and compromised, shall be final and conclusive between every such person or persons or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

3. *And be it enacted*, That the proceedings of every of the said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision, and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively ; *provided, however*, that any person or persons or corporation desiring to have the benefit of this act, shall file his or their petition or petitions therefor within twelve months from the date of the passage of this act ; *provided, however*, that nothing in this act shall be held to alter, or affect the rights or remedies, at law or in equity, of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected ; *provided, however*, that this act shall not apply to cities containing less than thirty thousand or more than one hundred thousand inhabitants ; *and provided further*, that the provisions of this act shall not apply to any tax assessed

Proceedings  
shall be signed  
by presiding  
officer.

Providso.

Providso.

Providso.

Providso.

for the year one thousand eight hundred and seventy-eight.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXII.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be  
amended refiled

"4. *And be it enacted*, That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief; his staff shall be as follows: six aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general; one surgeon general, with the rank of brigadier general; one inspector general, with the rank of brigadier general; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; the quartermaster general shall be acting commissary general, acting paymaster general and acting chief of ordnance; there shall be a major general of division; his staff shall be as follows: three aides-de-camp, each with the rank of major; one inspector, with the rank of colonel; one assistant adjutant general with

the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster with the rank of lieutenant colonel; one judge advocate with the rank of lieutenant colonel; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one principal musician, one color sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians," be amended so as to read as follows:

4. *And be it enacted*, That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief; his staff shall be as follows: one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general;

Section as amended.

The National Guard, how officered.

the quartermaster general shall be commissary general, paymaster general and chief of ordnance; one surgeon general, with the rank of brigadier general; one general inspector, with the rank of brigadier general, who shall also be inspector of rifle practice; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; four aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; there shall be a major general of division; his staff shall be as follows: one assistant adjutant general, with the rank of colonel; one inspector, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster, with the rank of lieutenant colonel; one judge advocate, with the rank of lieutenant colonel; three aides-de-camp, each with the rank of major; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel, and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one inspector of rifle practice, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one principal musician, one color sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be



selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants, and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians.

2. *And be it enacted*, That section nineteenth of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

"19. *And be it enacted*, That it shall be the duty of the inspector general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant general on or before the first day of July in every year; he shall forward one copy of all inspections made of the national guard to the office of the adjutant general and one copy to the headquarters of the national guard," be amended so as to read as follows:

Section to be amended recited

19. *And be it enacted*, That it shall be the duty of the general inspector to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant general on or before the first day of July in every year; he shall forward one copy of said report and one copy of all inspections made of the national guard to the office of the adjutant general and one copy to the headquarters of the national guard.

Section as amended.

Duty of General Inspector.

3. *And be it enacted*, That the twentieth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

"20. *And be it enacted*, That it shall be the duty of the inspector general, on or before the first day of April in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns," be amended so as to read as follows:

Section to be amended recited

Amendment.  
Muster and in-  
spection rolls.

20. *And be it enacted*, That it shall be the duty of the general inspector, on or before the first day of April in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns.

Instruction in  
the use of arms.

4. *And be it enacted*, That it shall be the duty of the general inspector, who is also the inspector of rifle practice, to have charge of the general instruction of the national guard in the use of such arms as they have been provided with by the state, and to increase their skill and efficiency in the practice of their weapons.

5. *And be it enacted*, That the twenty-first section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be  
amended recited

“21. *And be it enacted*, That it shall be the duty of the inspector of the division to see that the inspectors of the brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the inspector general,” be amended so as to read as follows:

Amendment.  
Relative to in-  
spections.

21. *And be it enacted*, That it shall be the duty of the inspector of the division to see that the inspectors of brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the general inspector.

6. *And be it enacted*, That the twenty-third section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, which reads as follows:

Section to be  
amended  
recited.

“23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the twentieth day of May, except that whenever any regiment or battalion is unattached to any brigade, the inspector general be and he is hereby authorized to detail any field or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the

company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division," be amended so as to read as follows:

23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the twentieth day of May, except that whenever any regiment or battalion is unattached to any brigade, the general inspector be and he is hereby authorized to detail any field, staff or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division.

Section as amended.

Time for making annual inspection.

7. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, two assistant inspectors of rifle practice, with the rank of lieutenant colonel, or he may detail officers to act as such if he deems proper.

Governor to appoint assistant inspectors.

8. *And be it enacted*, That whenever the additional companies of the national guard drilled in the use of the gatling or other similar guns have more than fifty enlisted men, they shall be entitled to two second lieutenants, and two hundred and fifty dollars per annum in addition to the allowances now by law, the same to be approved by the major general of division

When entitled to two second lieutenants.

9. *And be it enacted*, That the fourth section of the supplement of the act to which this is a supplement, which was approved March first, one thousand eight hundred and seventy, which reads as follows:

Section to be  
repealed re-  
cited.

“4. *And be it enacted*, That in lieu of the term of seven years, as now provided by section seventy-one of the act to which this is a supplement, the term of service in the national guard shall be six years, in two terms of enlistment of three years each, and that every person having enlisted for and served faithfully for a term of three years, shall be entitled to and receive an honorable discharge, under such conditions as now exist in relation to discharges from the national guard, but shall not be entitled to any exemptions or privileges as now provided by law; and that every person who, having served one term of three years, shall re-enlist, either immediately or at any future time, for a further term of three years, and shall faithfully serve the same, shall be entitled to and receive an honorable discharge, under conditions as hereinbefore provided, and shall be entitled to and receive all the privileges and exemptions provided by law,” be and the same is hereby repealed.

Repealer.

10. *And be it enacted*, That the ninth section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three, which reads as follows:

Section to be re-  
pealed recited.

“9. *And be it enacted*, That in lieu of two terms of enlistment of three years each, the term of service in the national guard shall hereafter be five years, and that it shall be upon one enlistment; but that any person now serving in the national guard, who, under the existing law, has re-enlisted for his second term of three years, shall be entitled to a full discharge when he shall have served two years of his said second enlistment,” be and the same is hereby repealed.

Repealer.

11. *And be it enacted*, That the seventy-first section of the act to which this is a supplement, which was approved March ninth, one thousand eight hundred and sixty-nine, which reads as follows:

Section to be  
amended recited

“71. *And be it enacted*, That every officer, non-commissioned officer, musician and private who is or may become attached to the national guard, shall ipso facto be held to

be enlisted therein, and shall be holden to duty therein for the full term of seven years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state," be amended so as to read as follows :

71. *And be it enacted*, That the term of service in the national guard shall be five years, and every officer, non-commissioned officer, musician and private who is or may become attached to the national guard, shall ipso facto be held to be enlisted therein, and shall be holden to duty therein for the full term of five years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state.

Section as amended.

Term of service.

12. *And be it enacted*, That the seventy-fifth section of the act to which this is a supplement, which was approved March ninth, one thousand eight hundred and sixty-nine, which reads as follows :

"75. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of seven years, shall at his request receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty, and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or paid the fine for any delinquency, or have been excused therefrom by the proper authority," be amended so as to read as follows :

Section to be amended recited

75. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of five years, shall at his request receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty, and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or

Section as amended.

Exemptions.

paid the fine for any delinquency, or have been excused therefrom by the proper authority.

**Penalty for disobedience, &c.**

13. *And be it enacted*, That if any officer shall be guilty of neglect of duty, disobedience of orders, fraud, embezzlement, misappropriation of military funds, conduct unbecoming an officer and a gentleman or conduct prejudicial to good order and military discipline while on duty, he shall on conviction thereof, by a general court martial, be punished by reprimand, be cashiered or dismissed, as the court may adjudge by its sentence.

**Prizes for skill.**

14. *And be it enacted*, That the governor and commander-in-chief is hereby authorized, upon the recommendation of the state military board, to offer prizes for skill in marksmanship among the members of the national guard.

15. *And be it enacted*, That the first section of the supplement of the act to which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three, which reads as follows:

**Section to be amended recited**

"1. *And be it enacted*, That whenever any regiment, battalion or battery shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander," be amended so as to read as follows:

**Transportation furnished.**

1. *And be it enacted*, That whenever any regiment, battalion or battery shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander and division commander.

**Encampment.**

16. *And be it enacted*, That in addition to the number of days for drill, now required by law, all the national guard may, once in three years, when so ordered by the governor, be required to attend an encampment at such time and place as the commander-in-chief may appoint, which encampment shall continue at least five consecutive days, during which time the troops shall be exercised in company and battalion movements and target practice, and be carefully instructed in the whole routine of camp and field duty.

17. *And be it enacted*, That whenever any existing company of the national guard is to be furnished for the first time with the regulation uniform adopted by this state, the quartermaster general is hereby authorized under the approval of the governor and commander-in-chief to furnish the same at the contract price upon the requisition of the regimental or battalion commandant, properly approved; and it shall be the duty of the quartermaster general to notify the comptroller of the treasury, on or before the first Monday in April, of the sum charged against each company, battalion and regiment for uniforms so furnished, issued to them by the quartermaster general, and that one-half of the amount so reported shall be by the comptroller of the treasury deducted from the annual appropriation from such company, battalion or regiment.

Regulation uniform, how furnished.

Contracts for uniforms, how paid.

18. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXIII.

### An Act relative to public instruction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meeting for the election of school trustees in each of the several school districts of this state shall be held on the first day of July of each year, instead of the first Monday in September, as now provided by law; and that the term of office of any trustee which would otherwise expire on the first Monday in September in any year, shall expire on the first day of July of the same year; *provided*, that when the first day of July falls on Sunday, the annual meeting shall be held and the term of office of the trustees shall expire on the second day of July of each year.

Time for holding annual meeting for the election of school trustees.

Proviso.



Allowance of  
money to dis-  
tricts.

2. *And be it enacted*, That all districts entitled to three hundred and fifty dollars, as now provided by law, shall hereafter receive but three hundred dollars.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXIV.

A Further Supplement to the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Assessments for  
costs, &c., on  
lands and real  
estate for sup-  
plies of water  
not to exceed  
benefit con-  
ferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act approved the nineteenth day of March, in the year one thousand eight hundred and seventy-eight, supplemental to the act to which this is a further supplement, shall be construed to authorize or require an assessment upon the owners of lands and real estate, of more of the costs and expenses of the supply of water in said supplemental act provided for, than is equal to the benefits conferred thereby upon the said lands and real estate; and that such portion of said costs and expenses as shall not, for any reason, be assessed and collected in the mode provided by said supplemental act, shall be a debt or charge against the township receiving such supply, in its corporate capacity; and the township committee thereof shall cause the same to be paid out of any moneys of said township not otherwise appropriated, or shall cause the same to be assessed and collected by taxation, in the same manner as other township charges and expenses are raised and paid.

When to be a  
debt against the  
township.



2. *And be it enacted*, That the said township committee, before they proceed to make any assessment contemplated by this act, shall take and subscribe an oath or affirmation, before the clerk of said township, to make the said assessment fairly and impartially, according to the best of their skill and judgment. Township committee to subscribe an oath.

3. *And be it enacted*, That the said township committee, or a majority of them, shall make a report, by a certificate in writing, of the assessments so made, and before proceeding to sign the same, shall give an opportunity to the parties interested to examine the same, and shall give at least five days' notice, by advertisement or otherwise, to the parties interested, at what time and place in said township the said report may be examined by them; and also of the time and place, when and where the parties interested can be heard by the said township committee, or a majority of them; and after hearing the parties, the said township committee, or a majority of them, shall proceed to complete said report, making such alterations as they deem proper, and shall then sign the same, and deliver said report to the collector of said township. Report to be made in writing.

4. *And be it enacted*, That all acts and parts of acts, inconsistent herewith, be and they are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 14, 1879.

## CHAPTER CLXXXV.

A Supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Proceedings for  
assessing vacant  
lots and lots  
with buildings  
in which water  
is not taken.

Fire and water  
districts.

Proviso.

Proceedings  
when districts  
have been laid  
out.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any municipal or other authority now empowered by law to use their discretion in fixing or omitting to fix annually a sum to be assessed upon vacant lots, and lots with buildings thereon in which water is not taken, may hereafter in their discretion, in lieu thereof, lay out a district in the territory through which their mains run or may from time to time be laid, to be known as the fire and water district, which district shall include all the real estate along which the mains run and extend in depth four hundred feet upon all lots whatever, and on all lots having buildings thereon two hundred feet beyond; *provided*, that when any lots having buildings thereon shall extend beyond the outside boundary line of said district so that any of said buildings shall be bisected by said line, then said outside boundary line shall be extended so as to include such buildings within said district.

2. *And be it enacted*, That when such district shall be laid out, the authorities managing said works may fix such gross sum as they shall deem proper, to be raised by taxation upon the real estate in said district, for the management of said works, and shall report the same to the common council on or before the first Tuesday of May in each year, and furnish a copy thereof to the assessors of taxes for the ensuing year; which sum shall be inserted in the tax levy of said ensuing year, to be

levied and collected out of the real estate of said district, as other taxes are levied and collected.

3. *And be it enacted*, That for the purpose of raising such gross sum, which shall be designated as a "district fire and water tax," the assessors and board of assessors shall fix and review the valuations of all lands within said district, in the same manner as they now fix the valuations for tax purposes of all land in said city; and all proceedings now required or authorized to be taken for the assessment, collection and enforcement of the collection of taxes, shall be equally applicable to the assessment, collection and enforcement of collection of the district fire and water tax; *provided*, that nothing in this act shall apply to cities having over twenty-five thousand inhabitants.

Mode of raising district fire and water tax.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXVI.

An Act relative to the time of appointing tax assessors in cities.

WHEREAS, in cities whose charters provide for the appointment of a tax assessor after the charter elections occurring in the spring, great inconvenience arises from want of time to prepare suitable lists of ratables to present to the county board of assessors, which meets in the month of June; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having between five and six thousand inhabitants by the last state census, and whose charters prescribe that a tax assessor shall be appointed by the municipal authorities thereof, said authorities may appoint such tax assessor

Appointment of tax assessor.

during the months of February or March in the year of the passage of this act and during said months in every second year thereafter, who shall hold his office for the term of one year from the first day of April of the year during which said appointment is made, such office to be held subject to the provisions of the respective charters of said cities, except as herein provided.

Repealer.

2. *And be it enacted*, That should the powers granted under this act be exercised by the authorities of any city, as above stated, then and in that case all acts or parts of acts and all and any provision contained in the charter or the supplements thereto of any such city, so far as they relate to said city, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLXXXVII.

A Supplement to the act entitled "An act to authorize the formation of gas light corporations and regulate the same."

Authorized to  
extend main  
pipes to neigh-  
boring city,  
town or village.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any gas company now existing, whether by special charter or by organization under the act to which this is a supplement, or which may hereafter be organized thereunder, and which may be at any time actually engaged in the manufacture and supply of illuminating gas in the city, town or village for the supply of which the same was organized or chartered, to extend its main pipes to any neighboring city, town or village, wherein no gas company already exists, for the purpose of supplying the same with illuminating gas; *provided*, the common

Proviso.

council, township committee or the municipal authority of such neighboring city, town or village shall grant permission for that purpose.

2. *And be it enacted*, That when such permission shall be granted the said gas company shall have the same rights and privileges of laying gas mains and the like to and in such neighboring city, town or village as it has under its original organization in the city, town or village where it was originally located.

Rights and  
privileges when  
permission  
shall be granted

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CLXXXVIII.

A Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any insurance company, organized under the laws of this state as a joint stock insurance company, shall have power to create and issue certificates for two kinds of stock, namely, general stock and preferred stock; which preferred stock shall at no time exceed two-thirds of the actual capital stock paid in, and shall be subject to redemption at par, at a fixed time to be expressed in the certificates therefor; and the holders of such preferred stock shall be entitled to receive, and the said company issuing such stock shall be bound to pay thereon a fixed half-yearly sum or dividend, to be expressed in the said certificate, not exceeding four per centum, before any dividend shall be set apart or paid on the said general stock, and the holders of such preferred stock shall incur the same personal liability for the debts

Authorized to  
issue general  
and preferred  
stock.

Dividends on  
preferred stock.

Proviso.

and liabilities of such company as is charged upon or incurred by the holders of the common or general stock, and in case of insolvency such debts or other liabilities shall be paid in preference to such preferred stock; *provided always*, that no such company shall create or issue certificates for such preferred stock except by the authority and consent of at least three-fourths in number of the general stockholders of said company, who shall hold at least two-thirds of the stock thereof, which consent shall be expressed in writing over the signature of such general stockholders.

Preferred stock  
declared legal  
and valid.

Proviso.

2. *And be it enacted*, That stock purporting to be preferred stock, heretofore created or issued by any joint stock insurance company organized under any law of this state, shall in all respects be legal and valid, the same as if such stock had been created and issued by virtue of the authority given by this act; *provided*, such preferred stock shall conform to the provisions of the first section of this act, and shall have been authorized by the consent of at least four-fifths of the general stockholders of such company, expressed in writing, previous to the issue or purported issue thereof.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CLXXXIX.

A Supplement to the act authorizing the incorporation of rural cemetery associations, approved March fourteenth, one thousand eight hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement and which section reads as follows:

"10. *And be it enacted*, That the cemetery lands and property of any association (and bonds and mortgages given to secure the purchase money by act of one thousand eight hundred and sixty-eight) formed pursuant to this act shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue, or thoroughfare, shall be laid through such cemetery, or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state," be and the same is hereby amended so that the said section shall read:

10. *And be it enacted*, That the cemetery lands and property of any associaton (and bonds and mortgages given to secure the purchase money by act of 1868) formed pursuant to this act and actually used for cemetery purposes, shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue or thoroughfare, shall be laid through such cemetery or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXC.

Supplement to an act respecting conveyances [Revision], approved March twenty-seventh, anno domini, one thousand eight hundred and seventy-four.

## Preamble.

WHEREAS, Commissioners of deeds, in and for this state, in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, and innocent persons may be subject to loss or injury thereby; therefore,

Acknowledgments confirmed and made legal and valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings and certificates thereof, heretofore taken or made before or by any commissioner of deeds, in and for this state, whose term of office had expired or whose offices had been vacated at the time of taking such acknowledgment or proof, and the certificate thereof, and the records of such deed, mortgages and other writings, are hereby confirmed and made valid, and legal and effectual to the extent that the same would have been valid, legal and effectual, if the term of office of the commissioner taking such acknowledgment or proof had not expired.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



## CHAPTER CXCI.

An Act in relation to bridges across the Morris canal.

WHEREAS, by the twelfth section of the act entitled "An Preamble.  
act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, one thousand eight hundred and twenty-four, it was provided "that when the said canal shall cross any public road or farm, it shall be the duty of the company, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the usage of the said road, or farm, by reason of the said canal crossing the same;" and whereas, the said company have, from time to time, raised their bridges across said canal, and in one thousand eight hundred and seventy-three adopted an ordinance providing that all bridges thereafter constructed across their canal should be so built that the lowest part of any bridge should be ten feet from the water; and whereas, in pursuance of said ordinance many of their bridges have been since raised, and the company have required the boards of chosen freeholders of the several counties intersected by said canal also to conform to said ordinance;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bridges over the Morris canal and its feeders, hereafter to be built or rebuilt, shall be so constructed as to leave a clear space of ten feet from the usual high water mark of said canal to the lowest part of said bridge, and it shall not be lawful for the Morris canal and banking company to raise any bridge across their canal, or any of its feeders, so far above the present height thereof that the upper side of the flooring of such bridge shall be, in the highest point, more than twelve and a half feet above the said usual high water

Height of  
bridges deter-  
mined.

Proviso.

Width and  
grade of ap-  
proaches to  
bridges.

mark of said canal or feeder, where crossed by such bridge; nor shall it be lawful for said company to prevent or interfere with the erection of any bridge across said canal or its feeders, which shall be constructed as herein directed; *provided*, such bridge shall be in other respects legal and proper.

2. *And be it enacted*, That if said company shall hereafter raise any of their bridges in the line of any public highway above the present height thereof, it shall be their duty to so fill in the approaches thereto that the grade shall not be more than one foot in ten, and to make the said approaches at least one rod wide.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXCII.

### An Act for the relief of Peter F. Anderson.

Preamble.

WHEREAS, Peter F. Anderson, at the time a resident of the city of Trenton, county of Mercer, state of New Jersey, did on the twenty-sixth day of July, anno domini one thousand eight hundred and sixty-one, enlist into the military service of the United States, from the State of New Jersey, for the term of three years or during the war; *and whereas*, after being so enlisted he was placed in a New York regiment, to wit: "company 'D' forty-eighth New York volunteers;" *and whereas*, in consequence of his being thus placed in said New York regiment, he was refused payment of the sum of two dollars per month state pay for himself from date of enlistment to April sixth, one thousand eight hundred and sixty-four, when he was married, and thereafter to September first, one thousand eight hundred and sixty-five, when he was discharged, he

was refused payment of the sum of six dollars per month state pay for the relief of his family, to which he should have been entitled under the laws of this state had he been placed in a New Jersey regiment; *and whereas*, he was refused payment of state pay by the state of New York for the reason that he was a citizen of the state of New Jersey, whose family continued to reside in the state of New Jersey; *and wheaeas*, said Peter F. Anderson has never received any state pay either from the state of New York or the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Treasurer to pay money.</sup> *the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and directed to pay to the said Peter F. Anderson, a resident of the city of Trenton, county of Mercer, and state of New Jersey, the sum of one hundred and sixty-five dollars and sixty-six cents, being the amount due to him for four years one month and twenty-five days in the military service of the United States.

2. *And be it enacted*, That the sum required to pay the <sup>Appropriation.</sup> said Peter F. Anderson, as provided for in the first section of this act, be and the same hereby is appropriated for that purpose out of any money or moneys in the treasury of this state, not otherwise appropriated.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXCIH.

An Act for the relief of the legal representatives of the late Timothy Field.

**Preamble.**

WHEREAS, the late Timothy Field agreed with the commissioners for the enlargement of the state prison to do certain iron work required, according to a written contract made between the said parties; *and whereas*, in the said written contract, the price was, by a clerical error, fixed at one thousand dollars less than the sum total of the detailed estimates, as afterwards shown to the said commissioners, and on which the said contract was founded; *and whereas*, the said contract was fully performed by the said Field, and the said commissioners admit the error in the contract price as stated, and wish to correct it, but have no power to do so; now therefore,

Commissioners  
to audit and  
allow in addi-  
tion to amount  
of contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said, the commissioners for the enlargement of the state prison, be and they are hereby authorized and directed to audit and allow to the legal representatives of the said Timothy Field, the said sum of one thousand dollars in addition to the sum named in the contract between the said commissioners and the said Timothy Field, to be paid for work done in enlarging the state prison.

State treasurer  
to pay on the  
warrant of  
comptroller.

2. *And be it enacted*, That the state comptroller is hereby authorized to draw his warrant upon the treasurer for the said sum of one thousand dollars in favor of the legal representatives of Timothy Field, deceased, upon receipt of a certificate from the said commissioners, that they have audited and allowed the said sum in accordance with the provisions of the foregoing section; the said sum to be paid out of the unexpended balance of the appropriation for the enlargement of the state prison, by

act of March eighth, one thousand eight hundred and seventy-seven.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXCIV.

An Act to authorize the payment of moneys due to the water commissioners of the city of Trenton for water furnished to the state for the use of the prison.

WHEREAS, The state prison has been for several years furnished with water from the Trenton water works, pursuant to a contract made between the water commissioners of the city of Trenton and the inspectors of the state prison, bearing date on the seventh day of July, one thousand eight hundred and sixty-nine; *and whereas*, it is alleged that owing to clerical errors in calculation the state was charged and has paid a much less sum than was justly due according to the terms of said agreement, for the quantity of water actually furnished to and used by the state, and that there is now justly due to the water commissioners a large sum of money amounting to nearly six thousand dollars; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury be and he is hereby authorized and directed to examine, revise, audit, adjust and settle the bills and accounts rendered by the water commissioners of the city of Trenton, for water furnished from the Trenton water works for the use of the state prison during the times when any errors are alleged to exist, either by said commissioners or by the inspectors of the prison, and to ascertain upon sworn evidence what amount (if any) is justly due and owing

Preamble.

Comptroller to audit, adjust and settle bills for water furnished state prison.

to said commissioners according to the terms of said agreement, for water furnished for the use of the prison, as aforesaid; and for the sum so found and proved to be due to draw his warrant on the state treasurer in an amount not exceeding six thousand dollars, who is hereby authorized to pay the same to the said water commissioners out of any money in the treasury not otherwise appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CXCV.

A Supplement to "An act relative to the publication of the laws of the state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Publication of  
legal notices in  
newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, any sheriff, coroner, master in chancery, executor, administrator, guardian, commissioner, auditors or person authorized or required by any public statute or direction of any court of competent jurisdiction in this state to make sale of any lands, tenements, hereditaments or real estate, may, and are hereby empowered to publish notice of such sale in two newspapers published in the county, of which two newspapers one may be a newspaper printed and published nearest to the place in the county in which such land is situated; *provided*, such newspaper has been regularly published for the term of two years or more.

Proviso.

Notices legalized.

2. *And be it enacted*, That any advertisement or notice published in said newspapers shall have the same effect,

issued upon property within the limits of such city, borough or township shall be received for the benefit of, and be appropriated and applied to the use of the charitable fund of the said fire department; and the secretary of state, before the first day of April in each year shall upon due proof of the bona fide existence of such organization by the certificate of the president and clerk, or secretary of the organized fire department in such city, borough or township, pay over the sums by him received for the benefit of said charitable fund during the preceding year, as above provided, to the officer or officers of said organization designated in said certificate, taking a proper receipt therefor; where there are two or more such organizations in any city, borough or township receiving or that have received such moneys as aforesaid each of such organizations in such city, borough or township shall, annually on the first day of April, file with the secretary of state, a detailed statement of all investments made of said fund, the amount thereof, and a detailed statement of all expenditures made therefrom, showing the date thereof, the amount, and the person to whom paid, and for what purpose; and the said organized fire department, where there are two or more such organizations, may, in case of neglect of any one to file such statement, or in case of misappropriation of said funds, or of failure on the part of any such organization to expend said funds equally among all disabled or incapacitated firemen in said city, borough or township, direct such defaulting charitable organization to pay over all the funds received by it and unexpended according to law, to any other existing charitable organization for disabled or incapacitated firemen named by said organized fire department, and may in case of refusal so to do, sue for and recover such sums by suit in law or in equity, and when recovered shall pay over the same to the said charitable organization so named by them as aforesaid; *provided*, that nothing in this section contained shall require any organization now existing under any present or past volunteer fire department to pay any of its funds to any organization under any present or future paid fire department.

Annual statements to be made to the secretary of state.

Proviso.

department in such city, borough or township, pay over the sums by him received for the benefit of said charitable fund during the preceding year, as above provided, to the officer or officers of said organization designated in said certificate, taking a proper receipt therefor; that every organization receiving or that have received such moneys as aforesaid, shall annually, on the first day of April, file with the secretary of state a detailed statement of all investments made of said fund, the amount thereof, and a detailed statement of all expenditures made therefrom, showing the date thereof, the amount, and the person to whom paid and for what purpose; and the said organized fire department, where there are two or more such organizations, may in case of neglect of any one to file such statement, or in case of misappropriation of said funds or of failure on the part of any such organization to expend said funds equally among all disabled or incapacitated firemen in said city, borough or township, direct such defaulting charitable organization to pay over all the funds received by it and unexpended according to law, to any other existing charitable organization for disabled or incapacitated firemen, named by said organized fire department, and may in case of refusal so to do, sue for and recover such sums by suit in law or in equity, and when recovered shall pay over the same to the said charitable organization so named by them as aforesaid; *provided*, that nothing in this section contained shall require any organization now existing under any present or past volunteer fire department to pay any of its funds to any organization under any present or future paid fire department," be and the same is hereby amended so as to read as follows:

Section as  
amended.

Payment of tax  
on premiums  
for insurance  
companies.

4. *And be it enacted*, That when there shall exist in any city, borough or township of this state, an organized fire department and one or more charitable associations or organizations for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all moneys received by the secretary of state, as herein provided, as payment of the tax of two per centum upon the premiums received by the agents of foreign fire insurance companies within the limits of such city, borough or township, for policies



clerk of the county within the time provided by law, and such copy shall then be delivered by such board to the clerk thereof; and if such clerk shall be the clerk of the city or township in which the election shall have been held, he shall, as the clerk of such city or township, preserve such copy so delivered to him among the papers of such city or township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such city or township, he shall, within two days next after the day of such election, deliver the same to the clerk of such city or township, to be by him preserved and delivered over to his successor as above directed; and every such copy in the possession of the clerk of any city or township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose; and it shall be the duty of every such clerk to furnish a certified copy thereof to any legal voter in said city or township who shall apply for the same and make payment in advance at the rate of ten cents for every one hundred words.

2. *And be it enacted*, That any such board of county canvassers may, if necessary, in addition to the adjournment provided for in section sixty-one of the act to which this is a supplement, make a second adjournment, but not for a longer period than three days. Adjournment.

3. *And be it enacted*, That whenever any board of county canvassers shall find it necessary to adjourn, as provided in the foregoing section, and in the afore-mentioned section sixty-one of the act to which this is a supplement, all statements of the result of an election in any township, ward or district which shall have been delivered to such board, or to any member thereof, shall in the presence of such board, and before it shall adjourn, be securely enclosed and sealed by the chairman thereof, and by him delivered to the county clerk for safe keeping until the next meeting of such board. Proceedings in case of adjournment.

4. *And be it enacted*, That section one hundred and seventy-seven of the act to which this is a supplement, shall not be construed to apply to members or clerks of boards of election in the performance of their duties as such members or clerks. Section of act not to apply.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CXCVII.

A Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-nine of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which reads as follows:

Section to be  
amended recited

"49. *And be it enacted*, That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto, with his own hand, and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto, with his own hand," be amended so as to read as follows:

Section as  
amended

Statement of  
the result of  
election, and  
certificate  
thereto, how  
made and ex-  
ecuted.

49. *And be it enacted*, That the board of election shall make, or cause to be made, a true and exact copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto, with his own hand, and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto, with his own hand, and where there are two polling districts in any township, the officers thereof shall perform their duties in like manner, and forward the return thereof to the

clerk of the county within the time provided by law, and such copy shall then be delivered by such board to the clerk thereof; and if such clerk shall be the clerk of the city or township in which the election shall have been held, he shall, as the clerk of such city or township, preserve such copy so delivered to him among the papers of such city or township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such city or township, he shall, within two days next after the day of such election, deliver the same to the clerk of such city or township, to be by him preserved and delivered over to his successor as above directed; and every such copy in the possession of the clerk of any city or township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose; and it shall be the duty of every such clerk to furnish a certified copy thereof to any legal voter in said city or township who shall apply for the same and make payment in advance at the rate of ten cents for every one hundred words.

2. *And be it enacted*, That any such board of county canvassers may, if necessary, in addition to the adjournment provided for in section sixty-one of the act to which this is a supplement, make a second adjournment, but not for a longer period than three days. Adjournment.

3. *And be it enacted*, That whenever any board of county canvassers shall find it necessary to adjourn, as provided in the foregoing section, and in the afore-mentioned section sixty-one of the act to which this is a supplement, all statements of the result of an election in any township, ward or district which shall have been delivered to such board, or to any member thereof, shall in the presence of such board, and before it shall adjourn, be securely enclosed and sealed by the chairman thereof, and by him delivered to the county clerk for safe keeping until the next meeting of such board. Proceedings in case of adjournment.

4. *And be it enacted*, That section one hundred and seventy-seven of the act to which this is a supplement, shall not be construed to apply to members or clerks of boards of election in the performance of their duties as such members or clerks. Section of act not to apply.

**Repealer.**

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.  
Approved March 14, 1879.

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## CHAPTER CXCVIII.

An Act respecting the salaries and compensation of president judges of courts of common pleas.

**Amount of annual salary.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual salary of the law or president judges of the courts of common pleas in all counties of this state having, by the state census of one thousand eight hundred and seventy-five, a population of more than seventy-five thousand inhabitants, shall hereafter be the sum of five thousand and five hundred dollars, and no more, which said salary shall be in lieu of all fees, per diem, or other remuneration or compensation whatsoever, for any and all services required to be performed by said judges by any law of this state, or in any of the courts of said counties, and shall be paid to said judges by the board of chosen freeholders of said counties respectively, in quarterly payments, and all fees to which such judges are now entitled shall be paid into the treasury of said counties respectively.

**Repealer.**

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this shall be a public act and take effect immediately, saving and excepting that so far as the same increases or diminishes the salary, per diem, fees or compensation of any of said judges now in office, during the term for which such judge was appointed, it shall take effect only upon and immediately after the end of such term.

Approved March 14, 1879.

## CHAPTER CXCIX.

An Act respecting the compensation of the clerk in chancery, and the clerk of the supreme court of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery and the clerk of the supreme court of this state shall each be entitled to receive for copies and enrolling proceedings, for each folio of one hundred words, four cents and no more. <sup>Fees for copy and enrolling.</sup>

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed in so far as they are inconsistent herewith, and this shall be a public act and take effect immediately; saving and excepting that so far as the same increases or diminishes the fees or allowance of any public officer now in office, during the term for which such officer was appointed, it shall take effect only upon and immediately after the end of such term. <sup>Repealer.</sup>

Approved March 14, 1879.

## CHAPTER CC.

An Act directing payment of the debt of the state secured by mortgage on the boarding house property owned by the state connected with the Normal School.

Preamble.

WHEREAS, the debt of the state of New Jersey, secured by mortgage on the boarding house property owned by the state connected with the Normal School, referred to in the governor's message and set forth in the last annual report of the trustees of the Normal School, amounting to thirty-five thousand dollars, bears seven per centum interest per annum, which interest has been paid each year; *and whereas*, it is desirable that such debt should be paid and the payment of interest thereby cease;

State treasurer  
authorized to  
make payment  
out of the  
treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole amount of principal secured by said mortgage now remaining unpaid, not exceeding thirty-five thousand dollars, and the interest thereon from the date to which interest has been paid, shall be paid by the state treasurer out of the revenues of the state, aside from such as shall be received by a tax upon the people; and that upon the surrender and delivery at any time of the said mortgage and all evidence of the indebtedness secured thereby to the comptroller of the state, by the holder of said mortgage, so that the same may be cancelled of record, the said comptroller shall deliver to such holder of said mortgage a warrant signed by him, upon the treasurer of the state, in favor of such holder of said mortgage, for the sum necessary to pay in full the amount secured thereby remaining unpaid, and the treasurer shall pay said warrant when duly presented.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CCI.

An Act to provide for the support of the state industrial school for girls.

1. BE IT ENACTED *by the Senate and General Assembly of* **Appropriation.**  
*the State of New Jersey,* That for the support and maintenance, and to defray the expense of a small addition to the school building, the sum of five thousand dollars is hereby appropriated, which sum the treasurer is directed to pay on the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CCII.

An Act concerning certain boroughs.

1. BE IT ENACTED *by the Senate and General Assembly* **Commissioners**  
*of the State of New Jersey,* That the commissioners of streets **of streets to**  
of any borough in this state having less than two thou- **pass ordinances**  
sand inhabitants, shall have the full power and authority **to regulate**  
to pass ordinances to regulate and grade the wagon ways, **grades, &c.**  
gutters and water courses of the public streets in said  
boroughs, and shall have an authority to exercise all such  
powers as are now or hereafter by law may be vested in  
township committees in this state, relating to highways.

2. *And be it enacted,* That any and all additional sum **Additional**  
or sums of money to be used for the purposes aforesaid, **money neces-**  
**sary, how as.**

- assessed and collected.** shall be assessed, collected and paid over in the same manner as other taxes are assessed and collected in townships in this state; *provided*, that said additional sum shall not exceed one thousand dollars, nor be less than five hundred dollars; *and provided also*, that no money raised at any town meeting of any township wherein said borough is situate, to be used for road purposes outside of the limits of said borough, shall be assessed upon the persons or property within the limits of said boroughs; *provided further*, that no money raised at any town meeting of any township wherein said borough is situated to be used for road purposes within the limits of said borough shall be assessed upon the persons or property outside the limits of said boroughs.
- Proviso.**
- Proviso.**
- Poll tax.** 3. *And be it enacted*, That every legal voter resident in said borough shall annually be assessed a head or poll tax of one dollar each, which said sum so assessed shall be collected and paid as other taxes are assessed and collected in townships in this state.
- Poll tax, how employed.** 4. *And be it enacted*, That the head or poll tax so ordered to be raised shall be used for the purpose of lighting the street lamps only; all borough taxes shall be assessed and collected by the assessor of the township wherein said borough is situate, by a separate and distinct assessment, in the same manner and for one-fourth of the compensation as other taxes are assessed and collected in townships in this state, which sum of money so raised shall be paid by the collector of said township upon presentation to him of an order signed by the said commissioners of streets, or a majority of them.
- Repealer.** 5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.
6. *And be it enacted*, That this act shall take effect immediately.
- Approved March 14, 1879.



## CHAPTER CCIII.

An Act in relation to the lighting of streets and public places in certain townships and cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the streets or any of them, in any city or township of the said state, have been or are lighted with gas or oil, under or in pursuance of any authority conferred by the legislature upon such city or township, it shall hereafter be lawful for the common council or township committee of any such city or township, by resolution or ordinance, and from time to time to order and cause any street or streets, and any public place or places or any part or parts thereof, in any such city or township, to be lighted with gas or otherwise, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, lanterns and fixtures, and to make and enter into any contract or contracts in relation to the same; and to cause the annual expense thereof, after being ascertained and determined by a resolution of said common council or township committee, to be certified by the city or township clerk unto the assessor or assessors of said city or township; and that such annual expense shall thereupon be levied, assessed and collected from all the real and personal property in the said city or township, respectively, in the same manner, at the same time, and under the same penalties (but without any extra compensation therefor), as the taxes for the working or repairing of roads or streets in said city or township are or may be; *provided, however*, that in making such assessment of the tax hereby authorized, the said assessor or assessors shall not be restricted or controlled in any way whatsoever, by any limitation in any act of the said legislature contained, whereby the amount of

Common council or township committee authorized to cause any street or streets to be lighted with gas, or otherwise.

Provide.

any tax to be raised in such city or township is limited to a certain percentage upon the valuation of the assessed property in such city or township.

§ 2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CCIV.

An Act concerning official fees and rendering an account thereof.

Clerk in chancery and clerk of supreme court to keep record of fees &c, and make quarterly reports to comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery and the clerk of the supreme court, of this state, shall severally keep a true record of all the fees and compensation received by them for their own use from all sources, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the comptroller of this state, on the first day of July next and quarterly thereafter, of the gross amount of all such fees and compensation so received by them respectively during the next preceding quarter.

Secretary of state to make quarterly report to comptroller.

2. *And be it enacted*, That the secretary of state of this state shall keep a true record of all the fees and compensation received or taken by him for his own use as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court and register in the prerogative office, clerk of the court of pardons and commissioner of insurance, or in any other official capacity, from all sources, under the provisions of any law of this state, and shall make a statement, account and report, under oath, to the comptroller of this state, on the first day of July next and quarterly thereafter, of all such fees and compensation, showing separately and

distinctly the gross amount of each class or particular kind of fees and compensation, under proper headings, received by him in the capacities above mentioned, or in any other official capacity, during the next preceding quarter.

3. *And be it enacted*, That the sheriffs and surrogates of the several counties of this state, shall respectively keep a true record of all the fees and compensation received by them for their own use, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the collector of their respective counties, on the first day of July next, and quarterly thereafter, of the gross amount of all such fees and compensation, so received by them, respectively, during the next preceding quarter, and the collectors of the respective counties of this state shall forthwith file in the office of the county clerk of their county, every statement, account and report, made to them under this act.

Sheriff and Surrogate to make report to county collector.

4. *And be it enacted*, That all such statements, accounts and reports, made and filed, under the provisions of this or any other act, shall be kept and remain on the public files of the office in which they are filed, the same as other papers filed therein, and all statements, accounts, and reports made to the comptroller of this state under the provisions of this act shall be by him included in each of his annual reports to the legislature.

Statements and reports to be public files.

5. *And be it enacted*, That whenever by the provisions of this act, or of any other act, any person holding any office in this state is required to make or render to the comptroller, or other state officer, or to any county collector or other county officer a statement, account or report of the fees and compensation received by him for his use in such office, in detail or in gross, and such person shall refuse, fail or neglect to render such statement, account or report, in the manner and at the time prescribed by law, said person so refusing, failing or neglecting shall, for every such refusal, failure or neglect, be liable to a penalty of one hundred dollars, to be sued for and recovered, with costs of suit, by the comptroller or other state officer to whom such statement, account or report is required to be made, for the use of the state, or

Penalty for refusal or neglect to make report.

by the collector or other county officer to whom such statement, account or report is required to be made, for the use of the county, in an action of debt in any court of competent jurisdiction in this state, and it is hereby made the duty of such comptroller or other state officer and of such collector or other county officer, to promptly bring and prosecute said suit; *provided*, that the fixing or enforcing of any penalty provided for in this or any other act, for such refusal, failure or neglect, shall not prevent or be construed to prevent the supreme court, or any other competent court or any judge thereof, from granting and issuing and enforcing a writ of mandamus or other order, to compel the making of such statement, account or report in every case.

Penalty for  
making false  
oath.

6. *And be it enacted*, That if any person shall falsely swear or affirm in the making of any affidavit or affirmation provided for by this act, the person so offending shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties provided by law therefor.

Repealer.

7. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as they are inconsistent herewith, and that this shall be a public act and take effect immediately.

Approved March 14, 1879.

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## CHAPTER CCV.

A Further Act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same.

Taxes and all  
costs, fees and  
expenses in re-  
lation to levy,  
assessment and  
collection of

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, against any person or

persons or corporations, for and on account of any lands, tenements, hereditaments or real estate situate, lying and being in this state, together with lawful interest thereon accruing, and all costs, fees, charges and expenses in relation to the levy, assessment and collection of said taxes, shall be, become and remain, from and after the date of such levy and assessment, a full and complete first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for the space of two years from the time when such taxes so assessed were payable, and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every kind and nature, of, in, upon or against such lands, tenements, hereditaments or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interests, costs, fees, charges and expenses.

2. *And be it enacted*, That in case any taxes, specified in the last preceding section, together with the interest thereon, and costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of six months, from and after the time when payable, then and in every such case it shall be lawful for the township committee, or a majority of them, to issue their warrant, which warrant may include the names of any number of delinquent owners and the description of each of their lands, tenements, hereditaments or real estate, on account of which such taxes were assessed, under the common seal, if any, of the township, signed by the chairman thereof, and attested by the township clerk, directed to the collector of the said township, therein and thereby commanding him to make said taxes, with the interest, costs, fees, charges and expenses as aforesaid, out of the lands, tenements, hereditaments or real estate, on account of which the same were assessed and incurred as aforesaid, by selling the same, or any part thereof, as will be sufficient for that purpose for the shortest term for which any person or persons will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant, with

taxes to be a  
first lien.

Proceedings for  
the collection of  
unpaid taxes  
&c.

Tax warrant.

all his proceedings thereunder, in writing, within four months from the date thereof, to said township committee.

**Tax warrant to be recorded.**

3. *And be it enacted*, That the said warrant shall be recorded by the clerk of said township before its delivery to said collector in a book provided for the purpose to be known as the "record of tax sales."

**Collector to give notice of time and place of sale.**

4. *And be it enacted*, That it shall and may be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lands, tenements, hereditaments or real estate under this act by advertisement, signed by such collector, in a newspaper printed and published in said township, or in the county wherein such lands, tenements, hereditaments or real estate are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall cause copies of such notice to be set up in five of the most public places in said township for the same period, one of which must be at or near the lands, tenements, hereditaments or real estate to be sold, and shall forthwith mail a copy of such notice to the owner or owners, directed to him, her or them, at his, her or their last known post office address, with full postage prepaid thereon; *provided*, such sale may be adjourned on application of the owner or other person interested therein, or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in the said newspaper.

**Proviso.**

**Collector to sell.**

5. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lands, tenements, hereditaments or real estate set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such

**Certificate of purchase.**

sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of tax, interest, costs, fees, charges and expenses in detail, the year for which assessed, the time when the right to redeem shall expire, and the date of the warrant under which the sale was made.

6. *And be it enacted*, That the said collector shall make return of said warrant within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto the copy of the notices required by this act, to be by him given, published, mailed and posted, with due proof of such publication, posting and mailing, together with a true copy of the certificate of sale and acknowledgment referred to in the preceding section, and that he shall annex to said return, an oath or affirmation in writing, that the said return is true, full and complete in all respects, and that the same sets forth all of his acts and proceedings under said warrant, and that true copies of all the notices required by him to be given by this act are annexed thereto, and that the certificate of sale thereto annexed is a true copy of the original given by him to the purchaser.

Collector to  
make return of  
warrant and all  
proceedings,  
&c.

7. *And be it enacted*, That the clerk of said township shall record such return (the warrant only excepted) and the papers thereto annexed, in the aforesaid "record of tax sales," at length immediately succeeding the record of such warrant, space being reserved for the purpose.

Clerk to record  
return, &c.

8. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office within the county where the lands are situate, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate and to all the rents, issues and profits arising therefrom on and after the date of such certificate, and in case the said premises are occupied by the owner or owners thereof, the purchaser shall give notice in writing to such owner or owners, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, of such sale, and demanding possession of such premises within thirty days after service thereof

Certificate of  
sale to be  
recorded.



as aforesaid, and at the same time exhibit to the person so served, the aforesaid certificate, and if at the expiration of the said thirty days the said owner or owners shall not deliver up possession thereof, then and in that case the purchaser may take the same proceedings to gain possession of such lands and premises as purchasers under decrees of foreclosure and sale of mortgaged premises.

Time within  
which lands  
sold may be re-  
deemed.

9. *And be it enacted*, That the owner or owners, mortgagee, occupant or any other person having a legal or equitable interest in any lands, tenements, hereditaments or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the date of such sale by paying to the purchaser or his legal representative the amount of purchase money set out in detail in said certificate, with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser upon receiving such payment, if made by the owner or owners thereof, shall recover and restore to such owner or owners such real estate, and in case the owner or holder of any estate in lien upon or right of possession of such real estate so sold, shall pay to the purchaser within the said two years the aforesaid purchase money, interest, fees, costs, expenses and charges, the sale shall be of no farther effect, and the mortgagee or other person so redeeming shall have a lien on the said premises for the amount paid, with twelve per centum interest thereon, in like manner as if the same had been included in his, her or their mortgage, or other lien.

Execution of  
deed to pur-  
chaser by town-  
ship commit-  
tee.

10. *And be it enacted*, That in case such lands, tenements, hereditaments or real estate so sold shall not be redeemed within the time provided for by this act, then and in that case the township committee upon due proof being made by affidavit that such redemption has not been made, and the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the township, signed by the chairman of such township committee and attested by the township clerk, and acknowledged according to law, which deed shall contain a description of the property,



the year of the tax assessment, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the clerk's office of the county where the lands are situate within ten days after date thereof, and if not so recorded, the same shall be of no effect until so period as against a mortgagee or purchaser in good faith; and the right of redemption shall also continue until such record, notwithstanding the lapse of the aforesaid two years; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements, hereditaments or real estate, for and during the term for which he, she or they shall have purchased the same for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devises, descents, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty at or before the expiration of the said term to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took the possession of the same, damage resulting from the ordinary use and the elements excepted.

11. *And be it enacted*, That the aforesaid "record of tax sales" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Record of tax sales to be evidence, &c.

12. *And be it enacted*, That no sale of lands, tenements, hereditaments or real estate made in pursuance of this act, shall

Sale of lands &c. not to affect lien of any mortgage.

destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such mortgagee or mortgagees within three months from the date of such sale notice in writing, setting forth the date of such sale the amount of purchase money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found then by mailing the same enclosed in an envelope plainly directed to him, her or them, at his, her or their last known post office address, with full postage pre-paid thereon, and the purchaser shall within twenty days after the service of said notice transmit a true copy of such notice with due proof of service to the clerk of the county in which such lands are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded and a marginal note made thereof, in the book where the original mortgage is recorded or registered, for which service the county clerk shall receive the sum of eight cents a folio to be paid by the purchaser.

Township collector to make annual return of unpaid taxes.

13. *And be it enacted*, That it shall be the duty of the township collector of each township on or before the first day of February in each year hereafter to make return in writing to the clerk of the county in which his township is situate, of all unpaid taxes assessed the preceding year on real estate situate in his township, setting forth against whom assessed, the date, description of the property, the amount of tax thereon, to which he shall affix an oath or affirmation in writing to the effect that the same is just, true, full and complete in every particular, as shown by his tax duplicate, and for such service he shall be paid by his township the sum of two cents for each name so returned; and in case the said collector shall neglect or refuse to make such return as herein provided, he shall forfeit and pay to the township the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Clerk to make record.

14. *And be it enacted*, That the clerk of said county, upon receipt of such returns, shall record the same at

acting under the provisions of this act, or the act to which this is a supplement, shall hereafter be taxed upon their capital stock at its actual value, and accumulated surplus.

3. *And be it enacted*, That all acts or parts of acts, in- Repealer.  
consistent with the provisions of this act, are hereby re-  
pealed, and that this act shall go into effect immediately.

Approved March 14, 1879.

## CHAPTER CCVII.

An Act in relation to the compensation of president  
judges of the courts of common pleas.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That wherever an annual salary is now authorized, by law, to be paid to any law or president judge of any court of common pleas of any county in this state having less than one hundred thousand inhabitants, such judge shall receive no per diem allowance nor any fees, and any fees now allowed by law to be paid to such judge, shall hereafter be paid into the county treasury. Per diem allowance and fees to be paid into county treasury.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

Repealer.

19. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, except as aforesaid, be and the same are hereby repealed.

20. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER CCVI.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

Certificates to be made of desire on part of Company to accept provisions of act, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company formed under and pursuant to "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved the second day of March, one thousand eight hundred and forty-nine, and the several supplements thereto, may come under and be subject to the provisions and liabilities of the act to which this is a supplement, in the same manner as if formed under the same, if such company make a certificate, under the hands of the president and directors of the company, that said company desires to come under the said provisions and liabilities, which certificate shall be acknowledged, recorded and filed in the same manner as the certificate required by this act; and such company, on the recording and filing of said certificate, as aforesaid, shall be free from the liabilities and provisions of the said act under which said company was formed; *provided*, that nothing in this supplement contained shall be held to affect any transaction, liabilities or debts of any such company heretofore done, accrued or contracted.

Proviso.

Taxation of capital stock and surplus.

2. *And be it enacted*, That all corporations, whether manufacturing corporations or otherwise, organized or

acting under the provisions of this act, or the act to which this is a supplement, shall hereafter be taxed upon their capital stock at its actual value, and accumulated surplus.

3. *And be it enacted*, That all acts or parts of acts, in- Repealer.  
consistent with the provisions of this act, are hereby re-  
pealed, and that this act shall go into effect immediately.

Approved March 14, 1879.

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## CHAPTER CCVII.

An Act in relation to the compensation of president  
judges of the courts of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of* Per diem allow-  
ance and fees to  
be paid into  
county trea-  
sury.  
*the State of New Jersey*, That wherever an annual salary  
is now authorized, by law, to be paid to any law or presi-  
dent judge of any court of common pleas of any county  
in this state having less than one hundred thousand in-  
habitants, such judge shall receive no per diem allow-  
ance nor any fees, and any fees now allowed by law to  
be paid to such judge, shall hereafter be paid into the  
county treasury.

2. *And be it enacted*, That this act shall take effect  
immediately.

Approved March 14, 1879.

Number of  
copies to be  
printed.

one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume, in the order in which they are arranged; when any document shall be ordered to be printed more than once, at periods more than five days apart, the printer thereof shall be entitled to charge consideration as above provided for, each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Officers to fur-  
nish copy.

3. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses, to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary, and the persons designated to print the said minutes and journal shall finish their work and deliver it to the state treasurer within four months from the time of receiving the copy therefor, under a penalty of five hundred dollars.

Indices and  
compensation  
therefor.

4. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively who may be empowered to execute said printing; and the sum of seventy-five dollars each shall be allowed the said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last-named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and sev-

enty-six; the indices to the senate journal, and to the assembly minutes, shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

6. *And be it enacted*, That John L. Murphy, of Trenton, Current printer. be employed to print the bills of the senate and assembly and such other document printing as may be ordered by the two houses.

7. *And be it enacted*, That McCowan & Nichols, of Bridge- Senate journal and minutes of joint meeting, &c. ton, county of Cumberland, be employed to print one thousand copies of the senate journal and minutes of joint meeting and executive session for the current year, in compact form, as per journal of one thousand eight hundred and seventy-two.

8. *And be it enacted*, That Z. K. Pangborn, of the city Minutes of the house. of Jersey City, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and seventy-two.

9. *And be it enacted*, That Messrs. Vance & Stiles, of Laws, when to be delivered. Morristown, be employed to print four thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Vance & Stiles shall have received the copies thereof, and on failure thereof, the said Vance & Stiles shall forfeit the sum of five hundred dollars, which the said treasurer is authorized to withhold and deduct from the amount due them for printing the said copies.

10. *And be it enacted*, That Thomas T. Kinney, of New- Documents. ark, be employed to print one thousand copies of the legislative documents of the current year.

11. *And be it enacted*, That Josiah Ketcham, of Belvi- Certain reports. dere, be employed to print the reports of the state board of agriculture, the state prison, and the state normal school.

12. *And be it enacted*, That William S. Sharp, of the Annual reports of State officers. city of Trenton, be employed to print the annual reports of state officers to the legislature.

13. *And be it enacted*, That Benedict Prieth, of the Reports printed in German. city of Newark, be employed to print the usual number of the agricultural reports, geological reports, reports



of labor statistics, board of health and such other reports as may be ordered printed in German during the current year.

Report of state  
treasurer, &c.

14. *And be it enacted*, That Sinnickson Chew, of the city of Camden, county of Camden, be employed to print the report of the state treasurer, report of the board of health and report of the state board of education.

Secretary of  
state to furnish  
copy.

15. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Repealer.

16. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act be and are hereby repealed.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

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## CHAPTER CCIX.

An Act respecting the compensation of the chancellor and the justices of the supreme court of this state.

Salary of chan-  
cellor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor shall be entitled to receive an annual salary, at the rate of three thousand five hundred dollars, to be paid quarterly by the treasurer, upon the warrant of the comptroller.

2. *And be it enacted*, That the chancellor shall be also entitled to receive, for the services hereinafter mentioned, the following fees, and no more:



## AS ORDINARY OF THE PREROGATIVE COURT:

For making every order or rule,	sixty-five cents;	<small>Fees in prerogative court.</small>
the seal to every citation, motion or process,	thirty-five cents;	
hearing and determining every appeal,	two dollars;	

## IN THE COURT OF CHANCERY:

For the seal to every common writ,	thirty cents;	<small>Fees in court of chancery.</small>
every order on a petition or motion controverted and argued in court,	ninety cents;	
every order on petition out of court,	forty-five cents;	
every common motion,	fifty cents;	
every dismissal of a bill for want of prosecution,	ninety cents;	
every decree,	one dollar and seventy-five cents;	

which fees shall be paid to the clerk in chancery for the use of the chancellor; said clerk shall keep a true record thereof, and shall render to the comptroller, upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees paid to said clerk for the use of the chancellor during the next preceding quarter.

3. *And be it enacted*, That the chancellor shall not be entitled to receive any compensation, per diem, mileage, fees or allowances whatsoever for any services in any of the courts of this state, in addition to the salary and fees hereinbefore provided for.

4. *And be it enacted*, That the chief justice of the supreme court shall be entitled to receive an annual salary, at the rate of three thousand five hundred dollars, and each of the associate justices of said court shall be entitled to receive an annual salary, at the rate of three thousand dollars; which salaries shall be paid quarterly by the state treasurer upon the warrant of the comptroller.

5. *And be it enacted*, That each of said justices shall be also entitled to receive, for the services hereinafter mentioned, the following fees, and no more :

IN THE SUPREME COURT :

Fees in the  
supreme court.

Fees to be divided among the justices who are attending court when the service is performed :

For license to an attorney and solicitor,	two dollars ;
a license to a counsellor,	three dollars ;
the first motion in every cause,	sixty cents ;
the trial or argument of every cause,	sixty-five cents ;
assessment of damages,	sixty-five cents ;
every recognizance,	thirty cents ;
every rule in a cause ;	twenty cents ;
granting writ of habeas corpus,	one dollar and fifty cents ;

FEEES TO BE PAID TO THE JUSTICE WHO SHALL PERFORM THE SERVICE :

Fees.

On the return of every writ in the circuit court, except subpoena and final process,	one dollar
For drawing order for bail,	thirty cents
taking bail,	thirty cents
every justification or disallowance of bail,	thirty cents
allowing every writ of error, certiorari, prohibition, procedendo, supercedeas, or other writ, where an allowance is necessary,	thirty-five cents
making a return of a writ of error, examining and annexing a transcript of the record thereto, and delivering the same to the court of errors and appeals,	one dollar

signing and returning postea,	<b>Fees.</b>
one dollar and fifty cents ;	
order of commitment of every person surrendered by or in discharge of his bail,	twenty-five cents ;
the trial or hearing of every cause in the circuit court,	two dollars ;
signing every judgment,	one dollar and thirty-five cents ;
hearing every demurrer on cer- tiorari,	two dollars ;
hearing application to set aside order of arrest,	fifty cents ;
approving any bill of costs,	twenty-five cents ;
inspecting any bond and war- rant, examining the copies, and entering and signing judgment, on warrant to con- fess judgment,	forty cents ;
granting writ of habeas corpus,	one dollar and fifty cents ;
taking examination of witnesses on return of writ of habeas corpus,	three dollars ;
every recognizance,	sixty-five cents ;
examining as to sanity of any convict in the state prison,	twenty dollars ;
transcribing names of jurors, striking jury and certifying list,	one dollar and fifty cents ;
appointing commissioners to make assessments in cases of public improvements,	three dollars ;
hearing objections to any report of such commissioners,	two dollars ;
confirming and signing any re- port of such commissioners,	five dollars ;
all services in the matter of boys brought up for commitment to the state reform school for boys, or of girls brought up	

**Fees.**

for commitment to the state industrial school for girls, in each case,	three dollars ;
making and issuing order for sale of unclaimed freight,	one dollar and fifty cents ;
advising with the chancellor, or with the ordinary, or services in matters of reference by the chancellor—such fees as the chancellor or the ordinary may from time to time determine and allow ;	
every indictment found,	fifty cents ;
all services in suits in the circuit courts for the foreclosure of mortgages, the same fees as are hereinbefore allowed to the chancellor for like services in the court of chancery.	
appointing commissioners, hearing objections, issuing precepts, examining witnesses, making orders, and all services in relation to the partition of lands,	ten dollars ;
order for sale of lands in proceedings for partition,	seventy-five cents ;
confirmation of sale, and ordering conveyance,	seventy-five cents ;
examination of adverse party before trial, for each folio,	twenty cents ;

Clerk to keep record of fees and make quarterly report to comptroller.

the fees in the supreme court, to be divided among the justices who are attending court when the service is performed, shall be paid to the clerk of the supreme court for the use of the said justices ; the said clerk shall keep a true record thereof, and shall render to the comptroller upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees so paid to said clerk during the next preceding quarter ; the fees herein prescribed to be paid to the justice who shall perform the service, shall be paid under such rules

and regulations as the justices may prescribe, to the clerks of the respective counties, for the use of said justices, respectively, and the said clerks shall keep a true record thereof, and shall render to the collector of their respective counties upon the first day of July next, and quarterly thereafter, a statement, under oath, of the gross amount of such fees paid to such clerks respectively, for the use of said justices, during the next preceding quarter.

6. *And be it enacted*, That the chief justice and the associate justices of the supreme court shall not be entitled to receive any compensation, per diem, mileage, fees or allowances whatsoever, for any services in any of the courts of this state, in addition to the salary and fees hereinbefore provided for. Additional compensation dis-allowed.

7. *And be it enacted*, That all acts and parts of acts inconsistent with any of the provisions of this act, be and the same are hereby repealed, in so far as they are inconsistent herewith, and this act shall be deemed and taken to be a public act, and shall take effect immediately ; Repealer. saving and excepting that so far as the same increases or reduces the fees, compensation or allowances of any of the officers herein named, now in office, it shall take effect only upon and immediately after the end of the present term of office of any such officers, or upon the appointment of their respective successors. Proviso.

Approved March 14, 1879.



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# JOINT RESOLUTIONS.

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# JOINT RESOLUTIONS.

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## NUMBER I.

In respect to the commercial relations between the  
United States and other countries.

WHEREAS, the government relations which at present Preamble.  
subsist between the United States and South America  
are mainly of a political nature; *and whereas*, the  
special arrangements of a commercial kind now  
existing between us and the said South American  
states are very limited; *and whereas*, a more liberal  
policy and practice would tend to forward and secure  
the commercial supremacy of the United States, and  
assist the more perfect enforcement of the laws of  
trade; *and whereas*, from her geographical position,  
New Jersey's commercial interests are paramount to  
all others; *and whereas*, it seems but consistent with  
the dictates of prudence that we should prepare,  
beforehand, to reap our share of the benefits that can  
be made to accrue from the revival of trade; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly* Appointment of  
commercial  
agents recom-  
mended.  
*of the State of New Jersey*, That in conformity with the  
desirability and in view of the possibility of securing  
these objects, the United States senators in congress from  
New Jersey, be and they are hereby instructed, and our  
representatives are requested to urge upon the general  
government the appointment of suitable agents to these  
South American states where no such agents now are,

whose duty it shall be to collect and arrange in tabular form the statistics of the various commercial articles and native products of an exportable character, together with the relative distribution of the same among the various European nations in which they find a market, and report the same to the general government at an early day, in order that measures may be taken to advance by means of treaties, the mutual commercial interests existing between the said several South American states and the United States.

2. *And be it resolved*, That the governor of this state be, and he is hereby requested to transmit copies of this resolution to the president and vice president of the United States, and to the governors of the several states whose legislatures are now in session, and to invite their co-operation in the method and object proposed.

Approved February 27, 1879.

## NUMBER II.

JOINT RESOLUTION relative to the loan of state arms  
Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic.

Preamble.

WHEREAS, Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic, have petitioned for the loan of twenty-four stand of arms and accoutrements, to be used by said post for burial purposes; therefore,

Quartermaster general directed to send arms and accoutrements.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general be, and he is hereby empowered and directed to forward to said Phil. Kearney Post Number One, Department of New Jersey, Grand Army of the Republic, twenty-four stand of arms and accoutrements, not otherwise in use or needed by the militia of this state, taking their receipt therefor, and their agreement to return the same upon

demand, and to preserve and keep the same while in their possession in perfect order.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 14, 1879.

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### NUMBER III.

Joint Resolution in relation to the appointment of a commission to inquire into the labor of the state prison.

WHEREAS, it is asserted and believed by large numbers of citizens of this state, that prison labor, as at present managed in the state prisons and penitentiaries of this and other states, affects injuriously the welfare and means of living of masses of our mechanics and workmen, by maintaining an unjust competition with their labor; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby requested to appoint a commission, to consist of five persons, who shall make a careful inquiry into the subject of prison labor and whether it comes into competition with free labor, and if so, in what manner, and to what extent, and what, in their opinion, is the best means of preventing such competition, and at the same time providing proper maintenance for the prisoners; that said commission shall receive for their services and necessary expenses such compensation as may be approved by the governor; and that they shall report to the governor on or before the meeting of the next session of the legislature.

Preamble.

Governor requested to appoint commissioners.

Approved March 14, 1879.



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# PROCLAMATIONS.

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# PROCLAMATIONS

BY

GEO. B. McCLELLAN, GOVERNOR OF NEW JERSEY.

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## PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT. }

I, George B. McClellan, Governor of the state of New Jersey, do hereby make proclamation that in accordance with the provisions of "An act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, 1873. The comptroller of the treasury has made report to me under date of July 31, 1878, that the parties interested in certain private acts passed at the legislative session of 1878, have failed to pay the sums assessed thereon and declared to be payable on the same, according to the requirements of the act entitled "An act to increase the revenue of the state of New Jersey," approved March 6, 1858, and the supplement thereto, approved March 18, 1859, and that by reason of such failure the following named acts have become inoperative and void :

I. "An act authorizing Permelia Hubbs to sell the real estate of which he illegitimate son, Albert C. Edmunds, died seized in the county of Hunterdon, and to dispose

## 370 PROCLAMATIONS BY THE GOVERNOR.

of the proceeds resulting therefrom," approved March 27, 1878.

II. "A supplement to an act entitled 'An act to authorize Reimer Henry Schacht to build a bridge from Morris Island, in Delaware river, to the bank along the Repaupo meadows, and to stake off the channel between the said island and the bank of said Repaupo meadows in the township of Greenwich, Gloucester county, New Jersey,' approved February nineteenth, eighteen hundred and seventy-three," approved March 27, 1878.

[L. s.] Given under my hand and the great seal of the state of New Jersey, at Trenton, this sixth day of August, A. D., one thousand eight hundred and seventy-eight.

GEO. B. McCLELLAN.

By the Governor,  
HENRY C. KELSEY,  
*Secretary of State.*

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## PROCLAMATION BY THE GOVERNOR.

It is expected of the chief executive of this state that he should set apart a day to be devoted to family rejoicing and the giving of thanks to the Almighty for the blessings He has bestowed upon us as a people.

With this recurring season we have abundant reason to express our gratitude to the Giver of all good gifts. He has preserved to us the blessings of peace; He has granted to the husbandman in ample measure the fruits of his toil; prosperity has again commenced to smile upon our land; we have mercifully been shielded against the pestilence which has wrought such havoc among our brethren of other states, and we have good cause to thank Him, in their behalf, that the course of the seasons has been interrupted in order to bring their terrible trials to a close.



PROCLAMATIONS BY THE GOVERNOR. 371

Deeply feeling our dependence upon God, I, George B. McClellan, Governor of the state of New Jersey, do hereby designate Thursday, the twenty-eighth day of November, instant, as a day of public thanksgiving and praise unto Him for all His past mercies, and humble prayer for a continuance of His goodness to us.

The good people of this state know that vast numbers of our fellow citizens—once arrayed in arms against us, but now, through God's mercy, happily reunited with us—have undergone indescribable trials through the ravages of a fatal pestilence. Although the scourge is well nigh ended, yet its consequences still press with fearful weight upon multitudes of the survivors, and still call for relief and aid beyond the power of their immediate neighbors to afford: Therefore, I suggest, that in every church, in every community of this state, arrangements be made to enable every one, according to his or her means and disposition, to offer on the approaching day of Thanksgiving, as a thank-offering to the Lord for His abundant mercies towards us, and as a pledge of our fraternal love to them, money for the relief of our unfortunate fellow-citizens of the afflicted districts of the South.

[L. s.]      Given under my hand and seal at the executive chamber, in the city of Trenton, this eighth day of November, in the year of our Lord one thousand eight hundred and seventy-eight, and of the independence of the United States the one hundred and third.

GEO. B. McCLELLAN.

By the Governor:

JOHN A. HALL,  
*Private Secretary.*



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## SPECIAL PUBLIC ACTS.

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# SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND THIRD LEGISLATURE.

## CHAPTER VIII.

An Act to repeal an act entitled "An act to facilitate the collection of taxes in the township of Woodbridge, in the county of Middlesex," approved April fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to facilitate the collection of taxes, in the township of Woodbridge, in the county of Middlesex," approved April fourth, one thousand eight hundred and seventy-three, be and the same is hereby repealed; *provided, how-* Act repealed.  
*ever,* that when lands already sold under said act, shall not be redeemed as in said act provided, the township committee of said township shall execute leases for said lands, in the same manner as if this act had not been enacted. Provided.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1879.

## CHAPTER XI.

Supplement to an act entitled "An act for the improvement of the town of Red Bank, in the county of Monmouth," approved March seventeenth, one thousand eight hundred and seventy, to authorize and legalize the change of the name of the town of Red Bank, in the county of Monmouth, to that of Shrewsbury City.

Title of board of  
commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners and assistant commissioners referred to in the act to which this is a supplement shall be denominated "the board of commissioners of Shrewsbury City," and by that name last aforesaid they and their successors shall and may have perpetual succession, and shall be capable of suing and being sued in all the courts of this state, and by that name last aforesaid may make regulations and ordinances for the purposes referred to in the aforesaid act and supplements thereto.

Change of acts,  
&c., so as to con-  
form to this act.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this supplement be, and the same are hereby changed so as to conform to the terms and meaning of this supplement.

Question of  
change of name  
to be submitted  
to a vote.

3. *And be it enacted*, That at the first municipal election held in the town of Red Bank after the passage of this act, the question of the change of name of said town as provided for in this act shall be submitted to a vote of the people for their approval or rejection, and if a majority of the legal voters of the said town vote in favor of the proposed change, then the provisions of this act shall immediately go into effect, and it is hereby made the duty of the board of commissioners of the said town to perfect the necessary arrangements for submitting the same to a vote of the people.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1879.

## CHAPTER XXIV.

An Act to set off from the township of Ocean, in the county of Monmouth, a new township to be called the township of Neptune.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Ocean contained within the following bounds, that is to say: Beginning at the Atlantic ocean where Great pond empties into the same, and running thence westerly to the middle of said Great pond and the south branch thereof until it intersects a continuation of the centre line of Asbury avenue, in the borough of Asbury Park, in said county; thence continuing the course of said centre line (as the magnetic needle now points) north sixty-seven degrees and fifty minutes, west until it intersects the division line between the township of Ocean and the township of Shrewsbury, in said county, in the middle of the public road leading from Eatontown to Squan, near Benjamin King's storehouse; thence in a southerly direction, along said line to Shark river brook; thence in an easterly direction along the centre of Shark river to the Atlantic ocean; thence northerly along the same to the place of beginning, shall be and hereby is set off from the said township of Ocean and made a separate township, to be called and known as the township of Neptune.

2. *And be it enacted*, That the inhabitants of the township of Neptune are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Neptune in the county of Monmouth," and shall be entitled to all

**Rights and  
privileges.**

the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Monmouth are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said township of Ocean, or any part thereof, so far as the same are or can be applicable to said township of Neptune when set off as aforesaid.

**Time and place  
of holding first  
meeting.**

3. *And be it enacted*, That the inhabitants of the township of Neptune shall hold their first town meeting at Park Hall, in the borough of Asbury Park, in said township, on the second Tuesday in March next, and thenceforward at such place in said township as the inhabitants may appoint at each prior annual town meeting, and that the officers for conducting said first election shall be chosen on the morning of the election immediately before the polls shall be opened, by a viva voce vote of the legal voters there present.

**Time and place  
of meeting of  
town committee  
to allot and di-  
vide money and  
property.**

4. *And be it enacted*, That the town committees of the townships of Neptune and Ocean shall meet on the first Tuesday of May, anno domini one thousand eight hundred and seventy-nine, at the hotel of John Van Woert, in said township of Ocean, at ten o'clock in the forenoon of said day, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all moneys on hand due or to become due, and all property in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and may adjourn said meeting from time to time, as a majority of those present may think proper, and the inhabitants of each of said townships shall be liable to pay their proportion of the debt and to support the paupers whose settlements are or may be within the boundaries of their respective townships.

**Right to surplus  
revenue not im-  
paired.**

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said township of Neptune in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

6. *And be it enacted*, That nothing in this act shall be construed to interfere with the officers now elected in that part of the township set off and called Neptune, nor with the commissions of the justices of the peace, nor commissioners of deeds, until they shall expire by their own limitation. Not to interfere with officers now in commission.

7. *And be it enacted*, That nothing in this act contained shall be construed to impair, alter or interfere with any of the corporate rights and privileges of Ocean Grove or Asbury Park, or with any of the provisions of the acts incorporating said places, or of the supplements thereto. Not to impair certain corporate rights and privileges.

8. *And be it enacted*, That the committees of the townships of Ocean and Neptune shall cause the division line to be run and marked when necessary. Division line to be run.

9. *And be it enacted*, That the said township of Neptune shall constitute a part of the second assembly district in said county of Monmouth. To constitute a part of assembly district.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1879.

## CHAPTER XLII.

An Act to repeal an act entitled "An act relative to the sale of intoxicating liquors in the township of Woodbridge, county of Middlesex," approved March third, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act relative to the sale of intoxicating liquors in the township of Woodbridge, county of Middlesex," approved March third, one thousand eight hundred and sixty-two, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

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## CHAPTER L.

An Act to annex a portion of the township of West Hoboken, in the county of Hudson, to the township of Weehawken, in said county.

**Boundaries.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of West Hoboken, in the county of Hudson, lying within the following described boundaries, that is to say: Beginning at a point formed by the intersection of the westerly line of the township of Weehawken by the northerly boundary line of the city of Hoboken, and running thence westerly and along said northerly line of the city of Hoboken to its intersection with the easterly line of Jefferson street, in said city; thence westerly, and up the hillside, and along the northerly line of the Hoboken land and improvement company's property to a point in said line, distant one hundred feet westerly from Hillside road; thence northerly, and parallel with the said Hillside road, to a point one hundred feet north of Amelia street, in the said township of West Hoboken; thence easterly, and parallel with Amelia street, to a point distant one hundred feet west of the Hackensack turnpike; thence northerly, and parallel with the Hackensack turnpike, to the southerly line of the township of Weehawken; thence easterly, and along the said southerly line of the township of Weehawken, to the westerly line of the township of Weehawken, which lies east of the Hackensack turnpike; and thence southerly, and along the said westerly line of the township of Weehawken, to the point or place of beginning, be and

the same hereby is set apart from the said township of West Hoboken and annexed to the township of Weehawken, and the same shall be included within the limits of the said township of Weehawken.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1879.

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## CHAPTER LV.

An Act to repeal an act entitled "An act to provide Newark and Jersey City and other places with an ample supply of pure and wholesome water for domestic and other purposes," approved April second, one thousand eight hundred and seventy-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide Newark and Jersey City and other places with an ample supply of pure and wholesome water for domestic and other purposes," approved April second, one thousand eight hundred and seventy-three, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 4, 1879.

## CHAPTER LIX.

An act to set off from the township of Alexandria, in the county of Hunterdon, a new township to be called the township of Holland.

Boundaries of  
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Alexandria, in the county of Hunterdon, lying within the following boundaries, to wit: Beginning at the Warren county line in the middle of the Musconetcong creek and line of Bethlehem township; (first) south along said Bethlehem line to lands of John Phillips, and corner of Bethlehem line to a corner of lands of John Phillips and Philip Hawk; thence (second) southerly in a line of said John Phillips and Philip Hawk to the middle of the public road leading from Bloomsbury to Little York; (third) thence southerly in the middle of said road and its various courses to the bridge crossing the main creek about one hundred yards north of Apgar's saw mill, thence along the courses of said creek to the head race and mill pond of J. M. and J. Duckworth; (fourth) thence southerly in the centre of said race and pond to where the said water is conveyed under the public road to the said J. M. and J. Duckworth's grist mill, and at the intersection of the centre of said road leading from Little York to Mount Pleasant; (fifth) thence southerly in the centre of said road to Mount Pleasant, at the intersection of the road leading to Frenchtown, opposite the residence of Samuel Scott; (sixth) thence southwesterly in the centre of said road leading to Frenchtown to the intersection of the public road leading from Furman Hawk's to Everittstown; (seventh) thence northwesterly following the centre of said road leading to Furman Hawk's, crossing the public road leading from Milford to Frenchtown, to the centre of a small stream of water



running through Furman Hawk's barn; (eighth) thence north following said stream about one hundred and twenty yards, to its entrance into another creek coming through Dark Hollow to the centre of said creek; (ninth) thence westerly following the centre of said creek to the Delaware river; (tenth) thence northwesterly up the various courses of said river to the Musconetcong creek; (eleventh) thence northeasterly up the various courses of said creek to the place of beginning, be and the same is hereby set off and created into a new township, to be called the township of Holland.

2. *And be it enacted*, That the inhabitants of the said township of Holland are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of Holland in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all the regulations, laws, governments and liabilities to which the inhabitants of the other townships in said county of Hunterdon are or may be entitled or subject to by the existing laws of this state. Corporate name

3. *And be it enacted*, That the inhabitants of the said township of Holland shall hold their first town meeting at the hotel of Henry Cole, otherwise known as the Gibson house, in the village of Milford, in said township of Holland, on the day appointed by law for holding the annual town meeting in the other townships of the county of Hunterdon, and annually thereafter at such place in the said township of Holland as a majority of the legal voters of said township shall determine; that at their said town meeting they shall vote by ballot until it shall be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of the state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and the supplements thereto, shall apply to the inhabitants of the township of Holland. Place of holding first term meeting.

4. *And be it enacted*, That Jonas Rapp, Jacob Bunn and Aaron H. Stone, be and they are hereby appointed judges of election to hold and preside over the first town meeting, and Jesse Sinclair is hereby appointed town clerk of Annual meetings.

Vote to be by ballot.

Names of judges of election.

Proviso.

Election of officers.

Town committees to allot and divide property, &c.

said township of Holland, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting as judge of election or town clerk shall be entitled to hold any office in said township to which they by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy.

5. *And be it enacted*, That the inhabitants of said township of Holland shall elect such officers as are authorized by law to be chosen in the townships of the county of Hunterdon, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the repair of roads, for the support of the poor, and for such other purposes as may be authorized by law.

6. *And be it enacted*, That the town committee of the said township of Holland, together with the town committee of Alexandria, shall meet at such time and place within three months after their election as shall be appointed by the town committee of Holland, of which notice in writing shall be served on the town committee of the township of Alexandria at least ten days prior to such meeting, and may adjourn from time to time as a majority of them shall direct; and then and there by writing, signed by a majority of those present, to allot and divide between the said township of Holland and the township of Alexandria all the property and money on hand due or to become due in proportion to the taxable property and ratables as valued and assessed by the assessor of the township of Alexandria at the last annual assessment within their respective limits; and the inhabitants of the township of Holland shall be liable to pay their just proportion of the debts, if any there be, and the town committee of the township of Holland, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of said township for the payment of such debts, if there be any, at such time as may be agreed upon between the respective committees; and if any of the town committee of the respective townships shall refuse to attend the meeting aforesaid, those assembled may proceed to make the said division, and

the decision of a majority of those present shall be final and conclusive.

7. *And be it enacted*, That all paupers who may be chargeable to the township of Alexandria at the time this act takes effect, shall thereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlements. support of paupers.

8. *And be it enacted*, That the overseers of each road district in the township of Holland, by being notified by two disinterested land holders that his road has become impassable by washes, or slides, or obstructions, shall have the power and authority to expend a sum of money not exceeding ten dollars to make said road good and passable; the expense of said repair to be verified by the persons notifying said overseers and the same to be paid by the moneys raised for making and repairing roads. Proceedings for road repairs.

9. *And be it enacted*, That nothing in this act shall be construed as to interfere with the officers now elected in that part of Alexandria, set off and called the township of Holland, nor with the commissions of justices of the peace or commissioners of deeds until they shall expire by their own limitation. Officers in commission not affected.

10. *And be it enacted*, That the committee of the said township of Holland shall cause the boundary lines of said township to be surveyed and marked when necessary. Survey of boundary lines.

11. *And be it enacted*, That the township of Holland shall form part of the second assembly district of the county of Hunterdon. To form part of assembly district.

12. *And be it enacted*, That this act shall take effect on the second Tuesday of March, one thousand eight hundred and seventy-nine. When act shall take effect.

Passed March 5, 1879.

## CHAPTER LXVII.

An Act to confirm the proofs and acknowledgments of deeds and other instruments in writing, taken by Paul S. Heritage, as commissioner of deeds.

**Preamble.**

WHEREAS, it is represented that Paul S. Heritage, of the township of Mantua, in the county of Gloucester, and state of New Jersey, was duly appointed a commissioner of deeds for the township of Washington, in the county and state aforesaid, and was duly commissioned and sworn into office, and did afterward remove from said township, and under misapprehension has taken the proof and acknowledgment of deeds and other writings since such removal, and doubt has arisen as to the legality of the same; therefore,

**Acknowledgments declared valid.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments and proofs of deeds and other instruments in writing, taken and certified to by the said Paul S. Heritage, as commissioner of deeds from the time of his entering into office to the present time be and the same are hereby confirmed and declared valid and effectual in law, and to have the same force and effect as if the said Paul S. Heritage had been lawfully authorized to take the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1879.

## CHAPTER LXXIII.

An Act to authorize the inhabitants of the township of Downe, in the county of Cumberland, to raise money in the first and second road districts of said township, to pay off the debt on their town hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Downe, in the county of Cumberland, shall have the power and authority to provide by taxation on the taxable property of the first and second road districts of said township, a sum not exceeding five hundred dollars, sufficient to pay off the existing debt on the town hall in the village of Newport, in said township; the amount thus to be raised, to be voted upon and decided at the next road meeting held in said township; viz: on the eighth day of March next.

2. *And be it enacted*, That this shall be deemed a public act, and take effect immediately.

Approved March 10, 1879.

## CHAPTER LXXIX.

A Supplement to an act entitled "An act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight.

Preamble.

WHEREAS, by an "Act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight, no provision is made for the settlement and adjustment of the estates, assets and liabilities of the township of Union, by said act so set off and divided; as a remedy, therefore,

Committees to meet, settle and adjust liabilities, &c.,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of Union township, as now established, and an equal number of members of the board of councilmen of the town of Guttenberg, to meet and organize at the house of Charles Wurtz, in the township of Union, within ten days after the passage of this act, at ten o'clock in the forenoon; and such joint committee is hereby authorized and directed then and there to proceed ratably to impose and apportion the liabilities, funds, revenues and estates, real and personal, of the former township; and should any such committee or council or members thereof fail to attend, then a majority of members thereof may proceed to make such division and apportionment, setting forth the same in writing, for publication in the first subsequent annual report to be made in each respective town and township; and such joint committee may adjourn from day to day until a fair and proper adjustment shall have been made, and their decision, or the decision of a majority of said joint committee, shall be conclusive and final.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 12, 1879.

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## CHAPTER CXXVI.

An Act to establish a new school district in the county of Cumberland, to be called the district of Gouldtown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the city of <sup>District of Gouldtown established.</sup> Bridgeton formerly known as the third school district of that part of said city formerly the township of Bridgeton, and all that portion of the township of Fairfield, formerly known as the seventh school district of said township, in the county of Cumberland, shall be and hereby are constituted one school district, to be called the district of Gouldtown, which said district shall be and hereby is made subject to the provisions and requirements, and entitled to the privileges and advantages of the general school law of this state, entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto.

2. *And be it enacted*, That this act shall be deemed and <sup>Repealer.</sup> taken to be a public act, and that so much and such parts of all acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed.

Approved March 14, 1879.

## CHAPTER CXXXVII.

A Further Supplement to an act entitled "An act for the improvement of the township of Kearney, in the county of Hudson, and to increase the powers of the township committee, in said county," approved April eighth, one thousand eight hundred and seventy-one.

## Preamble.

WHEREAS, by section sixty-six of the act to which this is a further supplement, the township committee of the township of Kearney was authorized to issue the bonds of said township to an amount not exceeding ten thousand dollars in the aggregate, for the purpose of purchasing sites for, and building school houses and other buildings in said township; *and whereas*, in accordance with the provisions of said act, bonds to the amount of nine thousand dollars have been issued, and the proceeds thereof expended in the purchase of sites, and in the erection and furnishing of two school buildings in the south and south-east portions of said township; *and whereas*, by the recent improvements in the building up of Arlington, in the northerly portion of said township it has become necessary to provide additional school accommodations for the children of that place; therefore,

Authorized to  
issue additional  
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the amount authorized by the act to which this is a further supplement, the township committee of the township of Kearney, are hereby authorized and empowered, for the purpose of providing an additional public school building for the free instruction of the children of said township, and furnishing the same, to issue, in the corporate name of said township, either coupon or registered bonds, to be denominated on the face thereof "township of Kearney building improvement bonds," to an amount



not to exceed six thousand dollars in the aggregate, to bear interest at the rate of six per centum per annum, payable half-yearly on the first days of January and July of each year, and the principal of said bonds to be payable in not less than ten nor more than thirty years from the date thereof; said bonds shall be signed by the chairman of the board of said township committee, and countersigned and registered by the clerk thereof, and sold at public or private sale at not less than the par or face value thereof, at such times and in such amounts only as may be required for the purpose of this act, and the proceeds of such sales shall be promptly and faithfully applied and paid for the erection, finishing and furnishing of a school house in the northerly part of said township, and for no other purpose whatever; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said board of township committee are hereby authorized and required to assess, levy and collect, as other township taxes are assessed, levied and collected, and add the same to the "public building tax" of said township in each year, a sum sufficient to pay the yearly interest upon said bonds, and as shall produce a fund sufficient to extinguish the principal of said bonds as the same shall become due and payable, and for no other purpose whatever.

Rate of interest  
and when pay-  
able.

How executed.

Proceeds, how  
applied.

Payment of  
bonds to be  
provided for by  
taxation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



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# PRIVATE LAWS.

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# PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND THIRD LEGISLATURE.

## CHAPTER XXXIX.

An Act to vest the title to certain real estate in the city of  
Trenton, county of Mercer, in Sarah Canfield.

WHEREAS, Satura Canfield, late of the city of Trenton, <sup>Preamble.</sup> county of Mercer, and state of New Jersey, departed this life, anno domini, one thousand eight hundred and sixty-nine, seized of a certain house and lot of land situate in said city of Trenton, which was conveyed to her by Alexander V. Manning and wife, by deed dated March twenty-fourth, one thousand eight hundred and sixty-five, which deed is recorded in the Mercer county clerk's office, in book of deeds, volume sixty, page three hundred and seventy-one, &c.; and *whereas*, the said Satura Canfield departed this life intestate, leaving Halsey Canfield, her father, and Sarah Canfield, her mother, her surviving; and *whereas*, said Halsey Canfield departed this life, anno domini, one thousand eight hundred and sixty-nine, "eighteen days after the

decease of said Satura Canfield," dying intestate, leaving Sarah Canfield his wife him surviving and leaving no lawful heirs, by reason whereof the said house and lot of his daughter, Satura Canfield, must escheat to the state; therefore,

**Title vested.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, title, interest and right of the said Satura Canfield, deceased, at the time of her death, of, in and to the house and lot above described, be vested in the said Sarah Canfield, her heirs and assigns forever.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

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## CHAPTER XL.

An Act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which Harriet Burdett died seized, to Henry C. Burdett, her husband.

**Title vested.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the people of the state of New Jersey in, to and upon all the real estate, with the appurtenances thereunto belonging, or in anywise appertaining, situated in the city of Hudson, county of Hudson, and state of New Jersey, whereof the said Harriet Burdett died seized, is hereby released unto and vested in Henry C. Burdett, the husband of said Harriet Burdett, and to his heirs and assigns forever; *providing* there shall be no heirs of the body of the said Harriet Burdett living at the time of the passage of this act, and which said premises are described, and contains as follows:

**Proviso.**

All that certain lot or parcel of land and premises, <sup>Description of premises.</sup> situate, lying and being in the city of Hudson, in the county of Hudson, and state of New Jersey, bounded and described as follows: beginning at a point on the line of the Northern Railroad, fifty feet from the southeasterly corner of a lot conveyed by Dougall Dingman and Elmira, his wife, to Hiram Burdett, Jr., by deed, dated September twenty-first, anno domini, one thousand eight hundred and sixty-eight, from thence running along the line of said railroad south thirty-three degrees and one minute, west fifty feet to corner of above mentioned lot; thence south fifty-five degrees and thirty-six minutes, east two hundred and twenty-five feet, more or less, to a post standing on the westerly side of Tonnele avenue, and from thence running along the westerly side of said avenue, north forty-four degrees thirty-one minutes, east fifty feet; thence parallel with the southerly line of said lot to the place of beginning; containing the land within said limits, more or less; being the same premises conveyed to said Harriet Burdett by Dougall Dingman and Elmira, his wife, by deed dated the twenty-first day of September, one thousand eight hundred and sixty-eight.

Approved February 27, 1879.

## CHAPTER XLI.

An Act to repeal an Act entitled "An act to incorporate 'Mount Moriah Lodge, number twenty-eight, Ancient Free and Accepted Masons,' located at Bordentown," approved March thirtieth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Repealer.</sup> *the State of New Jersey,* That the act entitled "An act to incorporate 'Mount Moriah Lodge, number twenty-eight, Ancient Free and Accepted Masons,' located at Bordentown," approved March thirtieth, one thousand eight

hundred and sixty-five, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1879.

## CHAPTER LVI.

An Act to authorize the trustees of the Delaware Baptist church, near Delaware Station, in the county of Warren, to make sale and conveyance of the church building and lot of land, near Delaware Station.

**Preamble,**

WHEREAS, the religious organization known as the Delaware Baptist church, worshipping in the Baptist meeting house, located near Delaware Station, in the township of Knowlton, in the county of Warren, and state of New Jersey, has become almost extinct, on account of deaths and removals, and is therefore unable either to support a pastor or maintain stated worship; and whereas, the aforesaid house of worship and church property of said religious organization is rapidly falling to decay, and depreciating in value, through the inability of the church members to keep it in proper condition and repair; and whereas, the trustees of the said Delaware Baptist church are desirous to sell the said church building and lot of land belonging to said church property, in the county of Warren, and state of New Jersey, near Delaware Station, and to apply the net proceeds of the sale of the aforesaid property to the benefit of the Baptist church worshipping in Portlana Northampton county, in the state of Pennsylvania, the erection of a house of worship; therefore,

Trustees  
authorized to  
sell and convey  
church building  
and lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Delaware Baptist church, near Delaware station, in the county



Warren, in the state of New Jersey, be, and they are hereby authorized and empowered to sell and convey the said church building and lot in fee simple, to such person or persons, for such sum or sums of money as they can obtain, and apply the net proceeds derived from said sale to the benefit of the Baptist church, worshipping in Portland, in the county of Northampton, in the state of Pennsylvania, and to make and execute an absolute conveyance to the purchaser or purchasers thereof, subject to any existing liens or incumbrances thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

## CHAPTER LXXIX.

A Supplement to an act entitled "An act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight.

## Preamble.

WHEREAS, by an "Act to set off the incorporated town of Guttenberg from the township of Union, in the county of Hudson," approved April first, one thousand eight hundred and seventy-eight, no provision is made for the settlement and adjustment of the estates, assets and liabilities of the township of Union, by said act so set off and divided; as a remedy, therefore,

## Committees to meet, settle and adjust liabilities, &amp;c.,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful for the township committee of Union township, as now established, and an equal number of members of the board of councilmen of the town of Guttenberg, to meet and organize at the house of Charles Wurtz, in the township of Union, within ten days after the passage of this act, at ten o'clock in the forenoon; and such joint committee is hereby authorized and directed then and there to proceed ratably to impose and apportion the liabilities, funds, revenues and estates, real and personal, of the former township; and should any such committee or council or members thereof fail to attend, then a majority of members thereof may proceed to make such division and apportionment, setting forth the same in writing, for publication in the first subsequent annual report to be made in each respective town and township; and such joint committee may adjourn from day to day until a fair and proper adjustment shall have been made, and their decision, or the decision of a majority of said joint committee, shall be conclusive and final.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.  
Approved March 12, 1879.

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CHAPTER CXXVI.

An Act to establish a new school district in the county of Cumberland, to be called the district of Gouldtown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the city of Bridgeton formerly known as the third school district of that part of said city formerly the township of Bridgeton, and all that portion of the township of Fairfield, formerly known as the seventh school district of said township, in the county of Cumberland, shall be and hereby are constituted one school district, to be called the district of Gouldtown, which said district shall be and hereby is made subject to the provisions and requirements, and entitled to the privileges and advantages of the general school law of this state, entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that so much and such parts of all acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed.

Approved March 14, 1879.

## CHAPTER CXXXVII.

A Further Supplement to an act entitled "An act for the improvement of the township of Kearney, in the county of Hudson, and to increase the powers of the township committee, in said county," approved April eighth, one thousand eight hundred and seventy-one.

## Preamble.

WHEREAS, by section sixty-six of the act to which this is a further supplement, the township committee of the township of Kearney was authorized to issue the bonds of said township to an amount not exceeding ten thousand dollars in the aggregate, for the purpose of purchasing sites for, and building school houses and other buildings in said township; *and whereas*, in accordance with the provisions of said act, bonds to the amount of nine thousand dollars have been issued, and the proceeds thereof expended in the purchase of sites, and in the erection and furnishing of two school buildings in the south and south-east portions of said township; *and whereas*, by the recent improvements in the building up of Arlington, in the northerly portion of said township it has become necessary to provide additional school accommodations for the children of that place; therefore,

Authorized to  
issue additional  
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the amount authorized by the act to which this is a further supplement, the township committee of the township of Kearney, are hereby authorized and empowered, for the purpose of providing an additional public school building for the free instruction of the children of said township, and furnishing the same, to issue, in the corporate name of said township, either coupon or registered bonds, to be denominated on the face thereof "township of Kearney building improvement bonds," to an amount

not to exceed six thousand dollars in the aggregate, to bear interest at the rate of six per centum per annum, payable half-yearly on the first days of January and July of each year, and the principal of said bonds to be payable in not less than ten nor more than thirty years from the date thereof; said bonds shall be signed by the chairman of the board of said township committee, and countersigned and registered by the clerk thereof, and sold at public or private sale at not less than the par or face value thereof, at such times and in such amounts only as may be required for the purpose of this act, and the proceeds of such sales shall be promptly and faithfully applied and paid for the erection, finishing and furnishing of a school house in the northerly part of said township, and for no other purpose whatever; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said board of township committee are hereby authorized and required to assess, levy and collect, as other township taxes are assessed, levied and collected, and add the same to the "public building tax" of said township in each year, a sum sufficient to pay the yearly interest upon said bonds, and as shall produce a fund sufficient to extinguish the principal of said bonds as the same shall become due and payable, and for no other purpose whatever.

Rate of interest  
and when pay-  
able.

How executed.

Proceeds, how  
applied.

Payment of  
bonds to be  
provided for by  
taxation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.



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# PRIVATE LAWS.

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# ACTS

OF THE

## One Hundred and Fourth Legislature

OF THE

STATE OF NEW JERSEY.

AND

THIRTY-SIXTH UNDER THE NEW CONSTITUTION.



MORRISTOWN, N. J.:  
VANCE & STILES, PRINTERS.  
1880.



The following General Public Laws passed at the One Hundred and Fourth Legislature, are compiled in accordance with the act entitled "An Act relative to the public printing," approved March 10, 1880, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts." The General Public Acts are printed in the front part of the volume. The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index. The Special Public and Private Acts follow in the order of their approval, and with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,  
*Secretary of State.*





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OF THE  
One Hundred and Fourth Legislature  
OF NEW JERSEY.

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BURLINGTON,	-	-	WILLIAM BUDD DEACON.
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BERGEN,	-	-	JOHN A. DEMAREST, OLIVER D. SMITH.
BURLINGTON,	-	-	WILLIAM H. CARTER, ABRAHAM MARTER, HENRY C. HERR, JOHN W. HAINES.
CAMDEN,	-	-	HENRY L. BONSALE, EDWARD BURROUGH, RICHARD N. HERRING.
CAPE MAY,	-	-	JESSE D. LUDLAM.
CUMBERLAND,	-	-	ROBERT P. EWING, ARTHUR T. PARSONS.
Essex,	-	-	THOMAS W. LANGSTROTH, JOHN GILL, HARRISON VAN DUYN, WILLIAM H. BROWN, JAMES M. PATTERSON, GOTTFRIED KRUEGER, ELIAS A. WILKINSON, PETER J. GRAY, THOMAS O'CONNOR.
GLOUCESTER,	-	-	GEORGE CRAFT, THOMAS M. FERRELL.
HUDSON,	-	-	NOAH D. TAYLOR, PATRICK SHEERAN, SAMUEL W. STILSING, ALLEN L. McDERMOTT,

## MEMBERS.

7

HUDSON, - - - DAVID W. LAWRENCE,  
J. HERBERT POTTS,  
JAMES CURRAN,  
JOSEPH MEEKS.

HUNTERDON, - - - CHARLES W. GODOWN,  
JAMES N. RAMSEY.

MERCER, - - - CHARLES S. ROBINSON,  
RICHARD A. DONNELLY,  
JOHN V. D. BEEKMAN.

MIDDLESEX, - - - ROBERT G. MILLER,  
JOHN M. BOARD,  
STEPHEN M. MARTIN.

MONMOUTH, - - - SHERMAN B. OVIATT,  
JOHN D. HONCE,  
GROVER H. LUFFBURROW.

MORRIS, - - - CHARLES F. AXTELL,  
JAMES H. BRUEN,  
HOLLOWAY W. HUNT.

OCEAN, - - - RUFUS BLODGETT.

PASSAIC, - - - GEORGE W. CONKLING,  
ROBERT B. MOREHEAD,  
THOMAS B. VREELAND.

SALEM, - - - HENRY BARBER,  
JOHN D. GARWOOD.

SOMERSET, - - - JOHN RINGELMANN,  
J. NEWTON VOORHEES.

SUSSEX, - - - LEWIS J. MARTIN.

UNION, - - - JOHN T. DUNN,  
GEORGE M. STILES,  
PHILIP H. VERNON.

WARREN, - - - WILLIAM FRITTS,  
COURSEN H. ALBERTSON.



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# GENERAL PUBLIC LAWS.

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# GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fourth Legislature.

## CHAPTER I.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any vacancy shall occur in the board of aldermen or common council of any incorporated city of this state by the death, resignation or disqualification of any incumbent, said vacancy shall be filled by the mayor of such city by the appointment of a suitable and discreet citizen of such city, who shall continue in said office until the next regular election.

Vacancies in  
office of aldermen  
or common coun-  
cil how filled.

2. *And be it enacted*, That the provisions of this act shall not apply to any incorporated city in which the filling of vacancies in the board of aldermen or common council is already regulated by its charter.

Act not to apply  
to cities where  
filling of vacan-  
cies is regulated  
by its charter.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

GEORGE B. McCLELLAN,  
*Governor*

WILLIAM J. SEWELL,  
*President of the Senate*

SHERMAN B. OVIATT,  
*Speaker of the House of Assembly*

## CHAPTER II.

A Further Supplement to the act entitled "An act constituting courts for the trial of small causes" (Revised Laws of 1874, approved March twenty-seventh, one thousand eight hundred and seventy-four).

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and thirty-five of the act to which this is a further supplement, which reads as follows, to wit:

Section to be  
amended recited.

"135. *And be it enacted*, That the constables of the several counties of this state shall be entitled to receive from the county collector of the said county, their law fees for serving any criminal warrant, together with and any expenses by them incurred in conveying an offender to the county jail for commitment to the custody of the sheriff, whether any such offender shall be indicted or not, for the offense for which such offender may have been so committed," be amended to read as follows:

Section as  
amended.

135. *And be it enacted*, That the constables of the several counties of this state shall be entitled to receive



the collector of said county, their lawful fees for serving any criminal warrant, together with any proper and reasonable expenses by them incurred in conveying any offender to the county jail for commitment to the custody of the sheriff, whether such offender shall be indicted or not, for the offense for which such offender may have been committed; *provided*, that the bill of expenses so incurred shall be itemized and shall be certified by the prosecutor of the pleas of said county to be proper and reasonable.

Fees and expenses of constables to be paid by collector of county.

Proviso.

Approved February 5, 1880.

### CHAPTER III.

An Act relating to the distribution of law and equity reports and other publications.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all publications, or republications, of the law and equity reports of this state, and all revisions or digests of laws or reports made or published since January first, one thousand eight hundred and seventy-seven, and hereafter to be made or published, shall be distributed to the president law judges of the common pleas in all counties having such judges, in the same manner as they now are and have been distributed to the justices of the supreme court.

Law and equity reports &c. to be distributed to the law judges of common pleas.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

## CHAPTER IV.

Supplement to an act entitled "An act respecting appeals from justices' courts," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, which section reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all appeals from justices' courts to the court of common pleas of any county in this state, shall be put on the list for trial at the first term to which the same shall be appealed, unless the appeal shall have been taken within five days prior to the beginning of such term, and then at the next term thereafter," be and the same is hereby amended, so as to read as follows:

Section as amended.

Appeals from justices court to be put on list.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all appeals from justices' courts to the court of common pleas of any county in this state shall be put on the list for trial at the first term to which the same shall be appealed; *provided, however*, that if said appeal is taken within the five days prior to the beginning of such term, and if the papers are not filed with the clerk of said court three days prior to the beginning of such term, then, and in that case, said appeal to be put on the list for trial at the next term thereafter.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

## CHAPTER VI.

A Further Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March the twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-nine of the act hereby amended, which section is in the words following, to wit :

"29. *And be it enacted*, That if any person not resident within this state shall depart, or shall have heretofore departed this life, possessed of personal property or choses in action within, or the evidence of which shall be in the hands of any person resident within this state, and the executors or administrators of such decedent shall neglect, or shall have neglected for the space of sixty days after his death, to make application in this state for letters testamentary or of administration upon or in respect to such decedent's estate, any person alleging himself or herself to have any debt or legal claim against such decedent, which, by the laws of this state, survives against the personal representatives of parties deceased, may make application to the surrogate of the county wherein said personalty, choses in action, or evidences thereof are situate; and on proof to his satisfaction of the matters herein stated, said surrogate shall issue letters of administration upon the estate of such decedent to some other person to be selected by him, either *cum testamento annexo* or otherwise, as the circumstances of the case may require, taking bond for the faithful performance of the duties of such administrator,

Section to be  
amended recited.

as in other cases required by law," be amended so as to read as follows :

Section as amended.

On failure of executors or administrators to apply, claimants may make application for letters, &c.

Surrogate to issue letters of administration and take bond for performance of same.

29. *And be it enacted*, That if any person not resident within this state shall depart, or shall have heretofore departed this life, possessed of personal property or choses in action within, or the evidence of which shall be in the hands of any resident of this state, or if such decedent died, or shall die, seized of any real estate, or any interest therein, within this state, and the executors or administrators of such decedent shall neglect, or shall have neglected for the space of sixty days after the death of such decedent, to make application in this state for letters testamentary or of administration upon or in respect to such decedent's estate, any person alleging himself or herself to have any debt or legal claim against such decedent, which by the laws of this state, survives against the personal representatives of parties deceased, may make application to the surrogate of the county in which such real estate or interest therein, choses in action or evidences thereof, or personal estate are situate, and on proof to his satisfaction of the matters herein stated, and upon such notice to the executors or administrators of the decedent as the surrogate may prescribe, said surrogate shall issue letters of administration upon the estate of such decedent to some person to be selected by him, either *cum testamento annexo*, or otherwise, as the circumstances of the case may require, taking bond for the faithful performance of the duties of such administrator, as in other cases required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1880.

## CHAPTER VII.

A Supplement to an act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor of this state shall be entitled to receive an annual salary at the rate of ten thousand dollars, and the chief justice of the supreme court of this state shall be entitled to receive an annual salary at the rate of seven thousand and five hundred dollars, and each of the associate justices of the supreme court of this state shall be entitled to receive an annual salary at the rate of seven thousand dollars; and said salaries of said chancellor and said chief justice and associate justices shall be in full for all services by them respectively rendered in discharge of their duties as chancellor and justices of the supreme court and as judges of the court of errors and appeals, and in full for all services rendered or performed by said chief justice and said associate justices respectively as judges of the circuit courts, courts of common pleas, courts of oyer and terminer and general jail delivery, courts of general quarter sessions of the peace, courts of special quarter sessions, and orphans' courts; and all the salaries in this section fixed and provided shall be paid quarterly by the treasurer of this state upon the warrant of the comptroller of the treasury.

Annual salaries  
of chancellor,  
chief justice and  
associate justices.

How paid.

2. *And be it enacted*, That when the population of any judicial circuit or district in this state exceeds eighty thousand, according to the latest state or federal census taken or to be taken, the annual salary of the justice to whom such circuit or district may be assigned shall be increased beyond the salary allowed to him under the

Salary how in-  
creased.

Additional salary how apportioned and by whom and how paid.

foregoing section by as many dollars as will equal per centum of such excess of population over ten thousand; and said additional salary or compensation required by the provisions of this section to be to the justice assigned to any such judicial circuit district shall be apportioned to him, according to per centum of said excess of population, as aforesaid; the comptroller of the treasury, state treasurer and attorney general of this state, under their hands, when apportionment shall be filed in the office of said comptroller; and the amount so apportioned shall be paid to said justice by said state treasurer, on the warrant of the comptroller, quarterly.

Clerks, &c., to tax costs and collect fees and pay same to treasurer of state.

3. *And be it enacted*, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerks of the chancery, and of the secretary of state of this state, to charge and include in the taxed bill of costs in every action or case, in each and all of the courts of this state of which they are the clerk, respectively, and to collect from the attorneys therein, or from the other persons liable therefor, all costs or fees taxable in regard to the services of said chancellor, chief justice and associate justices, respectively, under the laws now or hereafter in force respecting and fixing such costs or fees, and to pay the same quarterly out of the first money received or collected by them on each and every taxed bill of costs or in each and every such action or case to the treasurer of this state, for the use of the state.

Chancellor and justices not entitled to receive any fees per diem or additional compensation.

4. *And be it enacted*, That the said chancellor, chief justice and associate justices shall not be entitled to receive any compensation, per diem, mileage, fees, per allowances whatsoever, for any services performed by them in, or in connection with any of the courts of this state, or in their several official capacities, in addition to the salary or compensation in and by this act fixed and provided.

Act to whom to apply.

5. *And be it enacted*, That this act shall only apply to the chancellor, chief justice and associate justices of the supreme court whose term of office shall hereafter expire, or to those now in office whose term of office shall not expire during the present year, who may file

assent in writing, under their hands, to the provisions of this act, in the office of the secretary of state.

6. *And be it enacted*, That so much of the act entitled Repealer.  
 "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine, and to which this is a supplement, as relates to the annual salary of the chancellor, and so much thereof as relates to the annual salary of the chief justice and the associate justices of the supreme court, being sections one, three, four and six of said act, and all acts or parts of acts inconsistent with the provisions of this act is and are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved February 9, 1880.

## CHAPTER VIII.

An Act to confirm certain conveyances of sheriffs and other officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no conveyances heretofore made in this state by any sheriff or other officer or auditors in attachment, prior to the first day of January, one thousand eight hundred and sixty-five, shall be deemed invalid and inoperative by reason of the omission or neglect of said sheriff or other officer to comply with the requirements of the first section of an act entitled "An act for the better securing of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, but the same are hereby made as valid and effectual as Made valid. if the requirements of said section had been complied with. Certain conveyances not deemed invalid or inoperative.

2. *And be it enacted*, That the record of any such conveyance shall be as valid and effectual to all intents and purposes, and shall operate, and be construed to have The record to be valid and construed as a notice, &c.

operated, as notice to all persons, in the same manner as though said conveyance had been made in conformity with the requirements of said section of said act.

The record or  
copy thereof  
may be given in  
evidence.

3. *And be it enacted*, That the said record of any such conveyance as provided in the next preceding section, or a certified copy thereof, may be used and given in evidence in the same manner as if the requirements of said section of said act had been complied with.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1880.

## CHAPTER IX.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the act to which this is a supplement, which reads as follows:

Section to be  
amended recited.

"11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing south-west from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person or persons so offending shall, for every such offence, forfeit and pay a fine of one hundred dollars, and the boat or vessel so violating shall be liable to seizure by the special officer provided for in an act to which this act is a supple-



ment, and such boat or vessel shall be liable for the payment of such fines and forfeitures, and the moneys arising therefrom shall be paid to the collector of the oyster fund provided for in an act to which this act is a supplement; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order," be amended so as to read as follows:

11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for every such offence, be punished by a fine of one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court; and any canoe, flat, scow, boat or other vessel used and employed in the commission of any offence against this section, with all the clams, oysters, clam rakes, tongs, dredges, tackle, furniture and apparel, shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and in section eight of the act to which this act is a further supplement; *provided*, that said procedure shall be before a single justice of the peace of the county where such seizure is made; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order.

Section as amended.

When unlawful to catch oysters.

Penalty for violation of this act.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 10, 1880.

## CHAPTER X.

A Supplement to the act entitled "An act regulating proceedings in criminal cases" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

County collectors to pay expenses of printing testimony on writ of error in cases of persons convicted of murder in the first degree who are unable to defray the expense thereof on certificate of justice, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person convicted of murder in the first degree shall make application to the justice who presided at the trial, or, in his absence, to the presiding justice of the court of common pleas of the county in which such trial was had, showing to such justice that he or she is about to apply for a writ of error, and is unable, by reason of poverty, to provide the means necessary to defray the expenses of printing testimony for presentation; upon the application for such writ it shall be the duty of such justice, being satisfied of the facts stated and of the sufficiency thereof, to certify the same to the county collector of the county in which such trial and conviction were had, who shall thereupon pay the necessary expenses, as aforesaid, of the person convicted, the amount having first been approved by such justice who granted the application.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XII.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any banking corporation having capital stock divided into shares, and created under the laws of this state by special act of incorporation or otherwise, the capital of which has become impaired, shall have power to reduce the par value of each share of its stock to such an amount as shall be agreed on by the consent of stockholders representing two-thirds of its capital stock, and shall also have power, by like consent, to determine to issue so many additional shares of its capital stock at the par value so fixed as by a like consent shall be agreed to, not exceeding in the whole, with the shares of stock previously issued and outstanding, at the par value so fixed, the amount of capital limited by its act of incorporation or certificate of organization; and upon filing in the office of the secretary of state a certificate in writing, signed by stockholders representing two-thirds of its capital stock, setting forth the number of shares of stock previously issued and outstanding, the reduced par value fixed and agreed on, and the number of additional shares of stock agreed on and determined to be issued, then and from thenceforth the par value of such stock shall be taken and considered to be the amount so fixed and certified, and the additional shares so determined to be issued may be issued in the following manner, viz: the directors, managers, trustees, or other governing body of such corporation, shall give not less than ten days' notice, by advertisement in one or more newspapers of the state and by

Banking corporations whose stock have been impaired may reduce par value of shares and to issue additional shares of stock.

Certificate to be filed.

Additional shares how issued.

circulars sent by mail to the stockholders whose post office address is known, of a time and place when they will open books of subscription for such additional shares of stock, and at such time and place shall receive subscriptions therefor; the previously existing stockholders of such corporation shall each be entitled at such time and place to subscribe for and take such proportion of such additional stock as their shares bear to the total number of previously existing shares, and if any additional stock is not so taken by stockholders within ten days after the books for that purpose are opened, it may be subscribed for and taken by any person or persons.

When stock is  
subscribed and  
paid for, certifi-  
cate to be filed.

2. *And be it enacted*, That when said stock is so subscribed, taken and paid for, the directors shall cause a certificate thereof to be filed in the office of the secretary of state, and thereupon the persons so subscribing, taking and paying for said additional stock shall become stockholders to the amount and proportion of stock so taken by them.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

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### CHAPTER XIII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of said act, and which reads as follows:

Section to be  
amended recited.

"13. That every subpoena or process for appearance shall be served on the person to whom it is directed, or a copy thereof left at his dwelling house, or usual place of abode, at least ten days prior to its return," be amended so as to read as follows:

13. That every subpoena or process for appearance shall be served by the same officers now authorized to serve writs of summons and other common law processes, on the person to whom it is directed, or a copy thereof left at his dwelling house, or usual place of abode by one of said officers, at least ten days prior to its return.

Section as amended.  
Subpoenas, &c.  
how served and  
by whom.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

#### CHAPTER XIV.

A Further Supplement to an act entitled "An act to encourage the improvement of real property in this state" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all corporations organized now or hereafter under the act to which this is a further supplement, may, at any meeting of the stockholders called for that purpose, increase the capital stock and the number of shares therein, until it shall reach the amount named in the original certificate, and in case more capital is necessary, an additional certificate shall be filed, under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be proved or acknowledged and recorded in the manner heretofore provided for in this act; *provided*, that for all stock issued under such supplemental certificates, such corporation, its directors and stockholders, shall be entitled to all the benefits, and subject to all the liabilities contained in said act.

Corporations may increase capital stock and number of shares to original amount, and issue additional stock, and file certificate of same.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XV.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April one thousand eight hundred and seventy-five.

Resolution of intention to become legal corporation to be made by clerical and lay deputies.

Certificate to be filed with secretary of state.

Estate and property of diocese to be vested in and managed by said corporation

May hold property by gift, grant, devise, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any diocese has been or shall be created in this state, under and by virtue of the authority of the general convention of the Protestant Episcopal Church in the United States of America, and shall desire to become a legal corporation in this state, it shall be lawful for the convention of said diocese, at any regular meeting thereof, in which a majority of the parishes belonging thereto are represented by both clerical and lay deputies, to declare by resolution their desire and intention to become a legal corporation; and upon their filing in the office of the secretary of state of this state, a copy of said resolution together with a certificate stating the name of said diocese, with the name of its president, secretary and standing committee, which shall consist of not less than four clerical and four lay members, duly signed by the president and secretary in the presence of the chancellor or of a justice of the supreme court of this state, the convention shall thereupon become a body corporate under the name or title expressed in such certificate.

2. *And be it enacted*, That all the estate and property now or hereafter belonging to or held by such diocese shall be vested in and be managed by the said corporation which shall have perpetual succession, and exercise the powers and privileges enumerated in the first section of an act approved April seventh one thousand eight hundred and seventy-five, entitled "An act concerning corporations;" and shall also be capable of taking and holding by gift, grant, devise, bequeath-

otherwise, any property in trust for religious, ecclesiastical, charitable or educational objects, appertaining to, or under the control of said convention or other ecclesiastical authority of the Protestant Episcopal Church in said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church. Proviso.

3. *And be it enacted*, That the said corporation shall have power to appoint or elect, in such manner as they may determine, discreet persons as trustees, not less than five in number, who shall be members of the Protestant Episcopal Church, and citizens of this state, residing within the limits of said diocese; and upon the filing in the office of the secretary of state of a certificate, under the hand and seal of the president and secretary of said convention, stating the corporate name selected for said trustees, and also the names of said trustees, they, the said trustees, shall become a body corporate, under the name and title so certified, and shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act aforesaid, entitled "An act concerning corporations." Power to appoint or elect trustees. Upon filing certificate trustees to become a body corporate.

4. *And be it enacted*, That the said trustees when so incorporated, shall have the management and care of any fund already existing, or which may hereafter be contributed, acquired or received, and any accumulations thereof, for the support of the episcopate of said diocese, and the appropriation of the income of said fund for that purpose, according to the direction to be from time to time given by said convention of said diocese; they shall also be capable of taking and holding by gift, grant, devise, bequest, or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to, or under the control of the convention or other ecclesiastical authority of said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church. Trustees to have care and management of fund. Proviso.

5. *And be it enacted*, That said trustees shall present to each regular diocesan convention a statement of their proceedings, exhibiting the condition of the fund, together with an account of their receipts and disburse- Trustees to present statement of receipts, &c.

ments; they may provide by-laws for the removal of trustees for good cause, and on such removal, may declare the place vacant, and fill the same until the next regular meeting of said convention, which body shall presently fill all vacancies existing in said trustees.

Division of bonds  
and security  
of property how  
made.

6. *And be it enacted*, That whenever any diocese which has heretofore existed, or which now exists, or which may hereafter exist within the state of New Jersey in connection with the Protestant Episcopal Church in the United States of America, has been or shall be divided into two or more dioceses, it shall be lawful for the trustees holding in trust, or having control of the property for the support of the bishop or said original or divided diocese, to make such division of all bonds, mortgages, securities or property as may be or may have been acquired upon by the said original and said new diocese, whether before or after or in prospect of such division, and to assign and transfer and set over the same to such trustees as may be appointed for said new diocese, to hold to them and their successors for the trusts upon them imposed; and in case of such division so effected, all trusts in relation to the securities thereby conveyed, incumbent upon the former trustees, shall, *ipso facto*, cease and be discharged.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XVI.

An act to provide for the increase in the number of directors in certain corporations of this state.

Corporations  
may increase  
number of directors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation of this state incorporated under any general or special act, engaged in the business of manufacturing silk, cotton, jute and other fibrous material and the



eral branches of manufacture incident thereto, whose board of directors is now limited to seven persons, to increase said board to nine persons, if the said company shall desire so to do; *provided, however,* that the provisions of this act shall not apply to any such incorporation until it shall be so decided by a vote of the directors of any such company desiring an increase, passed at a regular meeting, and the written consent of at least two-thirds in value of all the stock outstanding against such corporation, and a certificate thereof, duly signed and properly attested, and filed in the office of the secretary of state. Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XIX.

An Act to provide for the filing of a *lis pendens* in actions either at law or in equity, relating to or affecting the possession or title of lands or real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That neither the issuing of a summons or subpoena, or other process or writ, nor the filing of a declaration or bill in any suit relating to or affecting the possession of or title to lands or real estate, nor any proceedings had or to be had thereon, either at law or in equity, before a final judgment or decree, shall be deemed or taken to be constructive notice to any *bona fide* purchaser or mortgagee of any lands or real estate to be affected thereby, until the plaintiff or complainant in such action, or his attorney or solicitor, shall have first filed, in the office of the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, in the office of the register of deeds and mortgages of the county in which such lands or real

No summons, subpoena or process affecting the possession or title to lands to be deemed a constructive notice until notice of pendency of suit is filed.

Additional  
salary how ap-  
portioned and by  
whom and how  
paid.

foregoing section by as many dollars as will equal two per centum of such excess of population over eighty thousand; and said additional salary or compensation required by the provisions of this section to be paid to the justice assigned to any such judicial circuit or district shall be apportioned to him, according to said per centum of said excess of population, as aforesaid, by the comptroller of the treasury, state treasurer and attorney general of this state, under their hands, which apportionment shall be filed in the office of said comptroller; and the amount so apportioned shall be paid to said justice by said state treasurer, on the warrant of said comptroller, quarterly.

Clerks, &c., to tax  
costs and collect  
fees and pay  
same to treasurer  
of state.

3. *And be it enacted*, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, to charge and include in the taxed bill of costs in every action or case, in each and all of the courts of this state, of which they are the clerk, respectively, and to collect from the attorneys therein, or from the other persons liable therefor, all costs or fees taxable in regard to or for the services of said chancellor, chief justice and associate justices, respectively, under the laws now or hereafter in force respecting and fixing such costs or fees, and to pay the same quarterly out of the first money received or collected by them on each and every taxed bill of costs, or in each and every such action or case to the treasurer of this state, for the use of the state.

Chancellor and  
justices not en-  
titled to receive  
any fees per diem  
or additional  
compensation.

4. *And be it enacted*, That the said chancellor, chief justice and associate justices shall not be entitled to receive any compensation, per diem, mileage, fees, pay or allowances whatsoever, for any services performed by them in, or in connection with any of the courts of this state, or in their several official capacities, in addition to the salary or compensation in and by this act fixed and provided.

Act to whom to  
apply.

5. *And be it enacted*, That this act shall only apply to the chancellor, chief justice and associate justices of the supreme court whose term of office shall hereafter commence, or to those now in office whose term of office does not expire during the present year, who may file their

assent in writing, under their hands, to the provisions of this act, in the office of the secretary of state.

6. *And be it enacted*, That so much of the act entitled Repealer.  
 "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine, and to which this is a supplement, as relates to the annual salary of the chancellor, and so much thereof as relates to the annual salary of the chief justice and the associate justices of the supreme court, being sections one, three, four and six of said act, and all acts or parts of acts inconsistent with the provisions of this act is and are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved February 9, 1880.

## CHAPTER VIII.

An Act to confirm certain conveyances of sheriffs and other officers.

1. BE IT ENACTED *by the Senate and General Assembly* Certain conveyances not deemed invalid or inoperative.  
*of the State of New Jersey*, That no conveyances heretofore made in this state by any sheriff or other officer or auditors in attachment, prior to the first day of January, one thousand eight hundred and sixty-five, shall be deemed invalid and inoperative by reason of the omission or neglect of said sheriff or other officer to comply with the requirements of the first section of an act entitled "An act for the better securing of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, but the same are hereby made as valid and effectual as Made valid.  
 if the requirements of said section had been complied with.

2. *And be it enacted*, That the record of any such conveyance shall be as valid and effectual to all intents and purposes, and shall operate, and be construed to have The record to be valid and construed as a notice, &c.

operated, as notice to all persons, in the same manner as though said conveyance had been made in conformity with the requirements of said section of said act.

The record or  
copy thereof  
may be given in  
evidence.

3. *And be it enacted*, That the said record of any such conveyance as provided in the next preceding section, or a certified copy thereof, may be used and given in evidence in the same manner as if the requirements of said section of said act had been complied with.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1880.

## CHAPTER IX.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the act to which this is a supplement, which reads as follows:

Section to be  
amended recited.

"11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person or persons so offending shall, for every such offence, forfeit and pay a fine of one hundred dollars, and the boat or vessel so violating shall be liable to seizure by the special officer provided for in an act to which this act is a supple-

ment, and such boat or vessel shall be liable for the payment of such fines and forfeitures, and the moneys arising therefrom shall be paid to the collector of the oyster fund provided for in an act to which this act is a supplement; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order," be amended so as to read as follows:

11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for every such offence, be punished by a fine of one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court; and any canoe, flat, scow, boat or other vessel used and employed in the commission of any offence against this section, with all the clams, oysters, clam rakes, tongs, dredges, tackle, furniture and apparel, shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and in section eight of the act to which this act is a further supplement; *provided*, that said procedure shall be before a single justice of the peace of the county where such seizure is made; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order.

Section as amended.

When unlawful to catch oysters.

Penalty for violation of this act.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 10, 1880.

## CHAPTER X.

A Supplement to the act entitled "An act regulating proceedings in criminal cases" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

County collectors  
to pay expenses  
of printing testi-  
mony on writ of  
error in cases of  
persons convicted  
of murder in the  
first degree who  
are unable to de-  
fray the expenses  
thereof on certifi-  
cate of justice, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person convicted of murder in the first degree shall make application to the justice who presided at the trial, or, in his absence, to the presiding justice of the court of common pleas in the county in which such trial was had, showing to such justice that he or she is about to apply for a writ of error, and is unable, by reason of poverty, to provide the means necessary to defray the expenses of printing testimony for presentation; upon the application for such writ it shall be the duty of such justice, being satisfied of the facts stated and of the sufficiency thereof, to certify the same to the county collector of the county in which such trial and conviction were had, who shall thereupon pay the necessary expenses, as aforesaid, of the person convicted, the amount having first been approved by such justice who granted the application.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XII.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any banking corporation having capital stock divided into shares, and created under the laws of this state by special act of incorporation or otherwise, the capital of which has become impaired, shall have power to reduce the par value of each share of its stock to such an amount as shall be agreed on by the consent of stockholders representing two-thirds of its capital stock, and shall also have power, by like consent, to determine to issue so many additional shares of its capital stock at the par value so fixed as by a like consent shall be agreed to, not exceeding in the whole, with the shares of stock previously issued and outstanding, at the par value so fixed, the amount of capital limited by its act of incorporation or certificate of organization; and upon filing in the office of the secretary of state a certificate in writing, signed by stockholders representing two-thirds of its capital stock, setting forth the number of shares of stock previously issued and outstanding, the reduced par value fixed and agreed on, and the number of additional shares of stock agreed on and determined to be issued, then and from thenceforth the par value of such stock shall be taken and considered to be the amount so fixed and certified, and the additional shares so determined to be issued may be issued in the following manner, viz: the directors, managers, trustees, or other governing body of such corporation, shall give not less than ten days' notice, by advertisement in one or more newspapers of the state and by

Banking corporations whose stock have been impaired may reduce par value of shares and to issue additional shares of stock.

Certificate to be filed.

Additional shares how issued.

circulars sent by mail to the stockholders whose office address is known, of a time and place when will open books of subscription for such additional stock, and at such time and place shall receive subscriptions therefor; the previously existing stockholders of such corporation shall each be entitled at such time and place to subscribe for and take such proportion of such additional stock as their shares bear to the number of previously existing shares, and if any additional stock is not so taken by stockholders within ten days after the books for that purpose are opened, it may be subscribed for and taken by any person or persons.

When stock is  
subscribed and  
paid for, certifi-  
cate to be filed.

2. *And be it enacted*, That when said stock is so subscribed, taken and paid for, the directors shall cause a certificate thereof to be filed in the office of the secretary of state, and thereupon the persons so subscribing, taking and paying for said additional stock shall become stockholders to the amount and proportion of stock so taken by them.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

### CHAPTER XIII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seven, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of said act, and which reads as follows:

Section to be  
amended recited.

"13. That every subpoena or process for appearance shall be served on the person to whom it is directed by leaving a copy thereof left at his dwelling house, or usual place of abode, at least ten days prior to its return," be amended so as to read as follows:



13. That every subpoena or process for appearance shall be served by the same officers now authorized to serve writs of summons and other common law processes, on the person to whom it is directed, or a copy thereof left at his dwelling house, or usual place of abode by one of said officers, at least ten days prior to its return.

Section as amended.  
Subpoenas, &c.  
how served and  
by whom.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

#### CHAPTER XIV.

A Further Supplement to an act entitled "An act to encourage the improvement of real property in this state" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all corporations organized now or hereafter under the act to which this is a further supplement, may, at any meeting of the stockholders called for that purpose, increase the capital stock and the number of shares therein, until it shall reach the amount named in the original certificate, and in case more capital is necessary, an additional certificate shall be filed, under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be proved or acknowledged and recorded in the manner heretofore provided for in this act; *provided*, that for all stock issued under such supplemental certificates, such corporation, its directors and stockholders, shall be entitled to all the benefits, and subject to all the liabilities contained in said act.

Corporations  
may increase  
capital stock and  
number of shares  
to original  
amount, and is-  
sue additional  
stock, and file  
certificate of  
same.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XV.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April 11, 1875, one thousand eight hundred and seventy-five.

Resolution of intention to become legal corporation to be made by clerical and lay deputies.

Certificate to be filed with secretary of state.

Estate and property of diocese to be vested in and managed by said corporation.

May hold property by gift, grant, devise, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any diocese has been or shall be created in this state, under and by virtue of the authority of the general convention of the Protestant Episcopal Church in the United States of America, and shall desire to become a legal corporation in this state, it shall be lawful for the convention of said diocese, at any regular meeting thereof, in which a majority of the parishes belonging thereto are represented by both clerical and lay deputies, to declare by resolution their desire and intention to become a legal corporation; and upon their filing in the office of the secretary of state of this state, a copy of said resolution together with a certificate stating the name of said diocese, with the name of its president, secretary and standing committee, which shall consist of not less than four clerical and four lay members, duly signed by the president and secretary in the presence of the chancellor or of a justice of the supreme court of this state, the convention shall thereupon become a body corporate under the name or title expressed in such certificate.

2. *And be it enacted*, That all the estate and property now or hereafter belonging to or held by such diocese shall be vested in and be managed by the said corporation which shall have perpetual succession, and exercise the powers and privileges enumerated in the first section of an act approved April seventh, 1875, one thousand eight hundred and seventy-five, entitled "An act concerning corporations;" and shall also be capable of taking and holding by gift, grant, devise, bequeathment, or otherwise.

otherwise, any property in trust for religious, ecclesiastical, charitable or educational objects, appertaining to, or under the control of said convention or other ecclesiastical authority of the Protestant Episcopal Church in said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

3. *And be it enacted*, That the said corporation shall have power to appoint or elect, in such manner as they may determine, discreet persons as trustees, not less than five in number, who shall be members of the Protestant Episcopal Church, and citizens of this state, residing within the limits of said diocese; and upon the filing in the office of the secretary of state of a certificate, under the hand and seal of the president and secretary of said convention, stating the corporate name selected for said trustees, and also the names of said trustees, they, the said trustees, shall become a body corporate, under the name and title so certified, and shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act aforesaid, entitled "An act concerning corporations."

4. *And be it enacted*, That the said trustees when incorporated, shall have the management and care of any fund already existing, or which may hereafter be contributed, acquired or received, and any accumulations thereof, for the support of the episcopate of said diocese, and the appropriation of the income of said fund for that purpose, according to the direction to be from time to time given by said convention of said diocese; they shall also be capable of taking and holding by gift, grant, devise, bequest, or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to, or under the control of the convention or other ecclesiastical authority of said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

5. *And be it enacted*, That said trustees shall present to each regular diocesan convention a statement of their proceedings, exhibiting the condition of the fund, together with an account of their receipts and disburse-

*Proviso.*

Power to appoint or elect trustees.

Upon filing certificate trustees to become a body corporate.

Trustees to have care and management of fund.

*Proviso.*

Trustees to present statement of receipts, &c.

ments; they may provide by-laws for the removal of a trustee for good cause, and on such removal, may declare the place vacant, and fill the same until the next regular meeting of said convention, which body shall presently fill all vacancies existing in said trustees.

Division of bonds and security of property how made.

6. *And be it enacted*, That whenever any diocese which has heretofore existed, or which now exists, or which may hereafter exist within the state of New Jersey in connection with the Protestant Episcopal Church in the United States of America, has been or shall be divided into two or more dioceses, it shall be lawful for the trustees holding in trust, or having control of the funds for the support of the bishop or said original or divided diocese, to make such division of all bonds, mortgages, securities or property as may be or may have been acquired upon by the said original and said new diocese, whether before or after or in prospect of such division, and to assign and transfer and set over the same to such trustees as may be appointed for said new diocese, to hold to them and their successors for the trusts upon them imposed; and in case of such division so effected, all trusts in relation to the securities thereby conveyed, incumbent upon the funds of the trustees, shall, *ipso facto*, cease and be discharged.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XVI.

An act to provide for the increase in the number of directors in certain corporations of this state.

Corporations may increase number of directors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation of this state incorporated under any general or special act, engaged in the business of manufacturing silk, cotton, jute and other fibrous material and the

eral branches of manufacture incident thereto, whose board of directors is now limited to seven persons, to increase said board to nine persons, if the said company shall desire so to do; *provided, however*, that the provisions of this act shall not apply to any such incorporation until it shall be so decided by a vote of the directors of any such company desiring an increase, passed at a regular meeting, and the written consent of at least two-thirds in value of all the stock outstanding against such corporation, and a certificate thereof, duly signed and properly attested, and filed in the office of the secretary of state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XIX.

An Act to provide for the filing of a *lis pendens* in actions either at law or in equity, relating to or affecting the possession or title of lands or real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That neither the issuing of a summons or subpoena, or other process or writ, nor the filing of a declaration or bill in any suit relating to or affecting the possession of or title to lands or real estate, nor any proceedings had or to be had thereon, either at law or in equity, before a final judgment or decree, shall be deemed or taken to be constructive notice to any *bona fide* purchaser or mortgagee of any lands or real estate to be affected thereby, until the plaintiff or complainant in such action, or his attorney or solicitor, shall have first filed, in the office of the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, in the office of the register of deeds and mortgages of the county in which such lands or real

No summons, subpoenas or process affecting the possession or title to lands to be deemed a constructive notice until notice of pendency of suit is filed.

Proviso.

estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be effected thereby; *provided*, that nothing in this act contained, shall be construed or taken to apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly registered or recorded mortgage.

Clerk or register to record notice.

2. *And be it enacted*, That it shall be the duty of the clerk or register with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book to be by him provided and kept in his office for that purpose; which book shall be properly indexed by the said clerk or register, and be a public record to which all persons desirous of examining the same shall have access.

Fees of clerk or register.

3. *And be it enacted*, That the following and no other fees shall be allowed for the services required by the last two preceding sections of this act, viz: to the county clerk or register, for filing and recording each notice, ten cents per folio; which fees shall be included with the other costs in the cause, and taxed therewith by the clerk of the court in which such action shall be brought.

Clerk or register to enter upon margin of record of notice a statement of substance of any decree and judgment affecting the possession or title of lands.

4. *And be it enacted*, That whenever a final decree or judgment shall be made in favor of the defendant or defendants, in any cause relating to or affecting the possession of or title to any lands or real estate, notice of the pendency of which has been filed in the office of any county clerk or clerks, or register or registers, it shall be the duty of the said clerk or clerks, or register or registers, to enter upon the margin of the record of such notice a statement of the substance of such decree or judgment, upon a copy thereof, certified under seal of the court in which such decree or judgment shall have been obtained, being filed in his office, and thereafter the lands and real estate mentioned in the said notice shall be and remain discharged of all equities or claims set up in the bill of complaint or declaration in said suit, notwithstanding the said suit be thereafter revived.

Lands and real estate to be discharged of all equities or claims.

Order discharging lands or real estate of any claim when notice has been filed may be made, upon the defendant, &c.,

5. *And be it enacted*, That in all suits for the enforcement of any claim for the payment of money upon any lands and real estate, except for the foreclosure of a mortgage, and notice of the pendency of which shall be filed

in the office of any county clerk or clerks, register or registers, it shall be lawful for the chancellor or any justice of the supreme court of this state, and they are hereby empowered, to make an order discharging the said lands and real estate from such claim, upon the defendant or defendants giving sufficient and satisfactory security, in such sum and manner as such chancellor or justice may direct, for the payment of such sum or sums of money as may, by the final determination of the said cause, be ascertained to be chargeable upon the said lands and real estate; and upon filing a copy of the said order, certified under the seal of the court out of which such order may issue, with the said county clerk or clerks, register or registers, he or they shall make entry of said discharge, by reason of said order, on the margin of the record of said notice, and the lands and real estate shall be thereafter discharged from any claim which may be made in the said suit, except such as may be covered by the security given for the payment of such claim.

giving security  
for payment of  
money.

Clerks or regis-  
ters to enter on  
margin, entry of  
discharge.

Real estate to be  
discharged of all  
claims, &c.

6. *And be it enacted*, That the county clerk or register shall be entitled to receive the sum of fifty cents for each service required in the last two preceding sections.

Fee of clerk or  
register.

7. *And be it enacted*, That this act shall take effect on the fourth day of July next.

When to take  
effect.

Approved February 16, 1880.

## CHAPTER XX.

A supplement to an act entitled "An act to regulate the practice of dentistry, and to protect the people against empiricism in relation thereto in the state of New Jersey," approved March fourteenth, one thousand eight hundred and seventy-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to

which this is a supplement, which section reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey, unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a board of dentists, duly authorized and appointed by this act to issue such certificates," be amended to read as follows:

Section as amended.

The practice of dentistry when unlawful.

Name to be registered in county clerk's office.

Fee of clerk for registering and penalty for violating provisions of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey, unless said person has pursued a regular course of instruction for at least one year in a reputable dental college, chartered under the authority of some one of the United States or foreign governments, and has graduated and received a diploma from such college, or unless the said person shall have obtained a certificate from a board of dentists duly authorized and appointed by this act to issue such certificates, and shall have registered his name and the name of the said dental college, or board of dentists, in the county clerk's office of the county in which he shall have engaged in the practice of dentistry, within one month after commencing such practice, in a book to be provided and kept for that purpose, in the several county clerk's offices of the several counties of this state, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of fifty cents, and any person violating any of the provisions of this act shall be liable to the penalties prescribed in the sixth section of the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.



## CHAPTER XXI.

Supplement to an act entitled "An act respecting bridges"  
(Revision), approved April tenth, one thousand eight  
hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Physicians ex-</sup>  
*the State of New Jersey,* That all licensed physicians, while <sup>empt from penal-</sup>  
visiting patients, shall be exempt from all or any of the <sup>ties, &c.</sup>  
penalties for driving faster than a walk on any toll or  
other bridge; *provided, however,* that nothing herein con- <sup>Proviso.</sup>  
tained shall be construed to exempt a physician from  
liability for damage to a toll or other bridge, or to other  
persons, by reckless or negligent driving.

2. *And be it enacted,* That all acts or parts of acts incon- <sup>Repealer.</sup>  
sistent herewith be and the same are hereby repealed and  
that this shall take effect immediately.

Approved February 17, 1880.

## CHAPTER XXII.

Supplement to an act entitled "An act for the punish-  
ment of crimes" (Revision), approved March twenty-  
seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of*  
*the State of New Jersey,* That section twenty-five of the act  
to which this is a supplement, which section reads as  
follows:

"25. *And be it enacted,* That if any candidate for office <sup>Section to be</sup>  
in any election, as hereinafter mentioned under the laws <sup>amended recited.</sup>

of this state, or any other person shall directly or indirectly offer, promise, procure, confer or give any money, property, thing in action, victuals, drink, preferment or other consideration or valuable thing by way of reward, gift or gratuity for giving or refusing to give his vote in any election of any public officer, state, county or municipal whatever, or of any member of the Congress of the United States, or of electors for President and Vice President of the United States, such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment exceed six months; *and further*, such person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; *and further*, if any person directly or indirectly ask for, accept, receive or take such bribe, or the promise thereof, by giving or refusing to give his vote in any such election, he shall be deemed guilty of a misdemeanor, and punished with the penalties as hereinbefore provided," be and the same be hereby amended so as to read as follows:

Candidates for any office offering directly or indirectly any money, &c. to be deemed guilty of a misdemeanor.

Penalty, &c.

25. *And be it enacted*, That if any candidate for office in any election hereinafter mentioned under the laws of this state, or any other person shall directly or indirectly offer, promise, procure, confer or give any money, property, thing in action, preferment, or other consideration or valuable thing, or shall furnish or supply money, note, check, draft, credit or property to be used by way of fee, reward, gift or gratuity for giving or refusing to give any vote in any election of any public officer, state, county or municipal whatever, or of any member of the Congress of the United States, or of electors for President and Vice President of the United States, such person either offering or receiving the same shall be deemed and taken to be guilty of a misdemeanor, and on conviction therefor be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment exceed one year at hard labor; *and further*,

person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; *and further*, if any person shall mark, in any way for the purpose of corruptly identifying any ticket, that shall be afterward voted at such election, with intent to escape, evade or violate the provisions of said section twenty-five of the act to which this is a supplement, then any such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor; *and further*, any person not indicted for the acts forbidden as aforesaid may be compelled to testify in any judicial proceeding against any person or persons charged with bribery, corrupt solicitation, or the offences hereby prohibited, and shall not be permitted to withhold his testimony on the ground that he may criminate himself or subject himself to punishment, but such testimony shall not be afterwards used against him in any judicial proceedings, except for perjury in giving such testimony.

Persons convicted to be deprived of suffrage and disqualified from holding office.

Penalty for marking or corruptly identifying tickets.

Persons may be compelled to testify.

Approved February 17, 1880.

## CHAPTER XXIII.

Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings," passed March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions heretofore in force relative to the advertisement and sale of lands have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective and uncertain,

Preamble.

No sale of real  
estate to be in-  
validated.

Proviso.

Proviso.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That no sale of real estate before made, shall be invalidated by reason of any advertisement of such sale having been in only one newspaper in the county where such lands lie; *provided*, such advertisement shall have been duly inserted in a newspaper published at the county seat of said county; *and provided*, that all the other provisions of said act shall have been complied with; but the purchaser of any such real estate having paid the price thereof and received a deed therefor, shall be deemed to have as good and complete a title thereto as if such advertisement of such sale had been at any adjournment thereof, had been in all parties duly advertised; *and provided further*, that nothing in this act shall affect any pending litigation.

Approved February 17, 1880.

## CHAPTER XXV.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogate" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, Through inadvertance, orders to show cause why the lands, tenements, hereditaments and real estate of decedents should not be sold for the payment of their debts, have been made returnable at a time when the orphans' court did not happen to be in session, and orders to sell in pursuance thereof have been accordingly made at the next or some subsequent sitting of said court; *and whereas*, doubts have arisen as to the legality of orders to sell so made; now, therefore,

Order for sale of  
lands, real estate,  
&c. declared  
valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any order for the sale of

lands, tenements, hereditaments and real estate of any testator or intestate, for the payment of the debts of such testator or intestate, heretofore made by the orphans' court of any county in this state at the sitting of said court next after the return day of the order to show cause therein, shall be as valid and effectual, to all intents and purposes, as if made on said return day, though not made upon a day appointed by the court, and though, on such return day, said court was not in session; *provided*, Provided. that no objection, by or on behalf of any party interested, was presented to the court or to the surrogate prior to such making thereof; *and provided further*, that this act Provided. shall apply only to cases wherein all the other requirements of the law have been complied with.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.

## CHAPTER XXVI.

An Act respecting the statue of Major General Philip Kearny.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the statue of Major General Philip Kearny, originally intended to be placed in the National Statuary Gallery, at Washington City, be and the same is hereby directed to be erected at some suitable place in the city of Newark, and that to that end the same be delivered to "The Philip Kearny Monument Association" of that city, to be erected at the expense of said association, and without expense to the state.

Statue to be erected at Newark at expense of association.

2. *And be it enacted*, That all laws and resolutions inconsistent herewith be and the same are hereby repealed, Repealer. and that this act shall take effect immediately.

Approved February 17, 1880.

## CHAPTER XXVII.

A Further Supplement to an act entitled "An act to authorize certain townships, towns and cities to issue bonds, and to take the bonds of the Montclair Railway Company," approved April ninth, one thousand eight hundred and sixty-eight.

Township committees empowered to sell bonds and apply proceeds.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township, or other governing board of any municipality, holding income bonds of the Montclair Railway Company, are hereby empowered to sell them at public sale for the best price obtainable in their discretion, and to apply the proceeds according to law; and that so much of the act to which this is a supplement as is inconsistent herewith, is hereby repealed, and this act shall be a public act and shall take effect immediately.  
Approved February 18, 1880.

## CHAPTER XXVIII.

A supplement to the act entitled "An act to complete the geological survey of this state," approved March thirtieth, one thousand eight hundred and sixty-four.

Annual appropriation continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual appropriation for the completion of the geological survey of this state, made in the supplement to this act, which was ap-

March thirtieth, one thousand eight hundred and seventy-six, be further continued for five years.

Approved February 18, 1880.

## CHAPTER XXIX.

A further supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

WHEREAS, It is a recognized principle that when practicable laws should be general and uniform in their character, and the general corporation act of the state provides that at elections for managers or directors of every incorporated company in this state, stockholders may vote in person or by proxy, and the proxies used shall be limited to three years from their date; and *whereas*, by a late law of the state the right of persons entitled to vote at elections for managers or directors of insurance companies of this state is abridged by limiting the use of proxies to one year from their date by means of which females, invalids, or persons residing at a distance as well as other parties who cannot conveniently attend such elections are incommoded for remedy whereof;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all persons entitled to vote at any election of any insurance company in this state may vote in person, or by attorney or proxy, but no proxy shall be voted or allowed or received for more than three years from its date.

Proxies not to be voted on or received for more than three years.

2. *And be it enacted*, All acts and parts of acts inconsistent with or repugnant to the foregoing shall be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Repealer.

Approved February 19, 1880.

## CHAPTER XXX.

An Act to repeal chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

Act cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

Repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

## CHAPTER XXXI.

An Act entitled "An act concerning taxes and assessments and arrears of taxes and assessments in towns and townships."

Town council or committee may authorize collector or receiver of taxes to receive and collect interest on taxes and assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for town council or township committee of any town or township in this state to authorize and direct the collector or receiver of taxes, or other proper officer or officers of such town or township to receive and collect all taxes and assessments remaining due and unpaid.



whole or in part at the date of the passage of this act, interest at such rate, not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by said town council or township committee, from the time when such taxes or assessments became by law due and payable.

2. *And be it enacted*, That in cases of sales of lands heretofore made for arrears of taxes or assessments in any town or township in this state, where such town or township has become the purchaser, it shall be lawful for the town council or township committee to authorize and direct the treasurer or other proper officer of such town or township to cancel and surrender any certificate of sale held by such town or township, upon the payment to him of the amount of tax or assessment for or on account of which such sale was made, with interest from the time when such tax or assessment became by law due and payable, at such rate not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by such town council or township committee and the costs and expense of selling such land ; *provided*, Town council or committee may authorize treasurer, &c. to cancel or surrender certificate of sales upon payment of taxes or assessments, &c. *however*, that the provisions of this act shall not apply to cases where such certificate of sale shall be held by any person or persons other than such town or township.

3. *And be it enacted*, That it shall be lawful for the town council or township committee of any town or township to authorize and direct the collector or receiver of taxes or other proper officer or officers of such township, to receive and collect upon all taxes and assessments which may hereafter be levied, assessed or imposed by such town or township and which may remain wholly or partly due at or after the expiration of the time limited by law for the payment thereof, such rate of interest not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by such town council or township committee. Proviso. Council or committee may authorize collector or receiver of taxes to collect interest on unpaid taxes and assessments.

4. *And be it enacted*, That the town council or township committee may by a general order or resolution determine what rate of interest, not exceeding twelve per centum nor less than seven per centum per annum, shall be charged and collected in the cases set forth in the preceding sections of this act. Rate of interest to be determined by resolution.

Repealer

5. *And be it enacted*, That all acts and parts of acts consistent with the provisions of this act be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

## CHAPTER XXXII.

An Amendment to "An act respecting coroners," (session), approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-sixth section of the act to which this is amendatory, which section reads in the following words, to wit:

Section to be amended recited.

"26. *And be it enacted*, That the following fees shall be allowed:

"To coroner, or person acting in his stead, for visiting the body, five dollars;

"Mileage per mile, going and returning, ten cents;

"Sitting with jury at inquest each day, three dollars;

"Burying body when necessary, fifteen dollars;

"Witnesses' fees and jurors' same as in justices' court; and be and the same is hereby amended to read and be in the following words, to wit:

Section as amended

26. *And be it enacted*, That the following fees shall be allowed:

Fees of coroner, witnesses, &amp;c.

To coroner, or person acting in his stead, for visiting the body, three dollars;

Mileage per mile, going and returning, ten cents; actual car fare;

Sitting with jury at inquest, each day, two dollars;

Taking depositions of witnesses at inquest, ten cents per folio, counting not more than two folios of manuscript to each page;

For every witness attending such inquest, when resident in the county, fifty cents for each day; and when from a foreign county, one dollar a day, in which shall be included his or her going to and returning from the same, allowing one day for every thirty miles from and to his or her place of residence;

Jurors' fees, twenty-five cents for each case; but in cases of special importance, the board of chosen freeholders of the county in which any inquest is held, may, upon the recommendation of the coroner and of the prosecutor of the pleas, and by the affirmative votes of two-thirds of all the members of such board, make an extra allowance of not more than five dollars to each juror sitting on any such inquest of special importance;

Burying the body when necessary, the actual cost thereof, not exceeding fifteen dollars;

None of the fees allowed in this section shall be paid by any county collector until a detailed bill of items therefor, duly taxed according to law, shall have been presented to and approved by the board of chosen freeholders of such county.

2. *And be it enacted*, That in so far as this act reduces the fees of coroners for services actually performed by them, it shall apply only to coroners hereafter elected.

Approved February 19, 1880.

## CHAPTER XXXIV.

A Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers, and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where the town-

*Jurors' fees.*

*Chosen freeholders of county may allow extra allowance to jurors.*

*Burying body.*

*Bill of items to be taxed and approved before payment.*

*Act whom to apply.*

*Township committee may pay compensation fees, &c. to com-*

commissioners, council, &c. as taxed and allowed

ship committee of any township in this state have a for and obtained the appointment of commissioners to make a new assessment of the costs and expenses incurred in making an improvement in such township, and the provisions of the act to which this act is a supplement it shall be lawful for the township committee of any township to pay to such commissioners, and to any attorney and counsel employed by such commissioners, and to all other persons performing any of the services prescribed by the said act, such compensation, fees and expenses as have been or shall be taxed and allowed by the judge of the county in which such township is situated notwithstanding the act under which such commissioners were appointed may not be applicable to such township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

## CHAPTER XXXV.

### An act validating defective conveyances.

Defective conveyances made valid

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no deed of conveyance of land made prior to the year eighteen hundred and eighty, by any sheriff or other officer, or auditors in execution pursuant to any decree, judgment, execution or order of any court, shall be null or void because it lacks the affidavit of the officer making the deed of conveyance aforesaid, and the approval of such deed by the chancellor, justice or master provided for and required by an act of the legislature entitled "An act for the security of titles to land sold by sheriffs or other officers approved March twenty-fifth, one thousand eight hundred and sixty-four, nor shall the absence of the affidavit and approval therein so required be esteemed cause sufficient to prevent such deed of conveyance from

recorded in the records of deeds; and in any suit at law or in equity wherein the title to the land conveyed by any such said deed shall be called in question, the burden of proof shall be upon the party attacking the title made or sought to be made under such deed, to disprove the facts which are required by the aforesaid act to be recited in the affidavit of the officer making the deed of conveyance.

In suits wherein title of land is questioned, burden of proof to be upon the party attacking the title.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

## CHAPTER XXXVI.

A Supplement to an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven, which reads:

"1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation in this state to issue for payment of labor any order or other paper whatsoever, unless the same purport to be redeemable for its face value, in lawful money of the United States, by the person giving or issuing the same; *provided, however*, nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employee," be and the same is hereby amended so that the same shall read and be:

Section to be amended recited.

Section as amended.

Orders in payment of labor prohibited.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation in this state to issue for payment of labor, any order or other paper whatsoever, unless the same purport to be redeemable for its face value in lawful money of the United States, by the person giving or issuing the same; *provided, however*, nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employee; *and provided however*, nothing in this act contained shall prevent any private individual from giving any orders for goods and merchandises in any store in which such private individual has an interest, directly or indirectly, in the profits or business.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

## CHAPTER XXXVII.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignees may make re-assignments and re-conveyances of property, &c when compromise has been made with creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any debtor or debtors, who shall have made an assignment under the provisions of the act to which this is a supplement, shall make a compromise or composition with his or their creditors, it shall be lawful for the assignee or assignees in such case to make a re-assignment and re-conveyance to said debtor or debtors, of all the property, real and personal, which was assigned to him or them, and the proceeds of any of said assigned property which

they shall have disposed of upon compliance with the provisions of this act.

2. *And be it enacted*, That in every such case the said debtor or debtors shall, within one year after the date of said assignment, file in the orphans' court of the proper county, a petition duly verified by the oath of such debtor or debtors, setting forth the particular manner in which such compromise or composition shall have been made, and shall have annexed thereto a copy of the composition agreement and the signatures thereto, and shall pray for such relief as may be granted under the provisions of this act; and the court shall thereupon make an order that all the creditors of the said debtor or debtors shall appear on a certain day therein named, and show cause, if any they have, why the said compromise agreement should not be confirmed and allowed, and the said assignee or assignees be directed to re-convey and re-assign the property so as aforesaid assigned to him or them.

On petition for relief, court shall make order for creditors to meet and show cause why compromise should not be confirmed.

3. *And be it enacted*, That said order to show cause shall be published for three weeks, at least once in every week, in such newspaper or newspapers as the court may select, and that the said assignee or assignees shall cause copies thereof to be mailed, with the postage prepaid, to every known creditor, at least ten days before the return day of said order.

Order to show cause to be published and mailed.

4. *And be it enacted*, That said court, on the return day of said order, or on such adjourned day as it may appoint, on being satisfied, by affidavit or otherwise, that the requirements of this act in relation to the publication of said order to show cause, and the mailing of copies thereof as is directed by the next preceding section hereof, have been complied with, and upon being further satisfied by due proof that the signatures to the said compromise agreement are genuine and that the same has been executed and signed pursuant to the terms thereof by all the creditors of said assignor, may order that the said compromise and composition be confirmed and allowed, and that the said assignee or assignees do, within such time as said order shall specify, re-convey and re-assign to said debtor or debtors all the said assigned property and the proceeds thereof, and the said order may contain

Court may order compromise confirmed and allowed and the assignee to re-convey or re-assign all property.

such directions regarding the said re-conveyance or re-assignment as shall comport with the terms of the compromise agreement.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

## CHAPTER XXXVIII.

An act to authorize and regulate the appointment and employment of officers, agents and employees by municipal boards in cities.

Officers of municipal boards how appointed.

Concurrence of other municipal boards not required for appointment of officers, &c.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the several municipal boards in the cities in this state, by whatever name or designation said boards, or any of them, are known in law, are hereby severally authorized and empowered to appoint and employ their officers, agents and employees respectively provided for by law, without the concurrence of any other municipal board, and no concurrence therein shall not be required.

2. *And be it enacted*, That it shall hereafter be unlawful for each municipal board, board of public works, or city board in the several cities of this state to appoint or employ its appropriate officers and agents without the concurrence of any board of finance or other municipal board in such city; and the right of any one municipal board to concur in the appointment and employment in the salary or compensation of the officers and agents of any other municipal board, is hereby abolished, and such concurrent action shall not be required.

3. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts public, general, private, special or local, contrary to or inconsistent herewith are hereby repealed.

Approved February 25, 1880.



## CHAPTER XXXIX.

An Act providing for the surrender of acts of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any masonic lodge in this state wishing to abrogate its act of incorporation, may, by a majority vote of the same, surrender said act, by filing a declaration to that effect in the office of the clerk of the county in which a lodge desiring to make such surrender may be located, a notification of such intention being also published in a public newspaper in such county for the period of two weeks, once in each week; *provided*, that the act of surrender shall not affect any contract or obligation entered into previous to the revoking of said act of incorporation.

Masonic lodges may surrender acts of incorporation by filing declaration, &c.

Proviso.

2. *And be it enacted*, That this act take effect immediately.

Approved February 25, 1880.

## CHAPTER XL.

An act authorizing corporations, created by special charter or otherwise, to remove their principal office from the place designated in their charters to such other place as may be deemed best by the corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation existing under and by virtue of the laws of

Corporations may remove principal office.

Provided,

this state, whether created by special charter or otherwise, to locate its principal office at such place in this state as may be for the best interests of its business, irrespective of the location of the principal office named in the charter or articles of organization of the corporation; *provided*, that such corporation cause to be made and filed a certificate in writing, in manner hereafter mentioned, such certificate shall set forth, *first*, the name of said corporation, and the city or town in which it is located by charter or in which its principal office had previously been located; and, *second*, the place, town or city to which it proposes to locate the principal office for its business and dealings in the place and stead of that referred to in last preceding paragraph, and which certificate shall be signed by the board of directors, or majority of said board, and filed in the office of the secretary of state, and to which certificate shall be affixed the official seal of said board and the affidavit of the secretary or acting secretary of such corporation that said certificate is made by the authority of the board of directors or managers of such corporation, as expressed by a two-thirds vote of the members present at a regular or special meeting of said board called for that purpose; *provided*, such removal is not outside of this state.

Provided,

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

## CHAPTER XLI.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Receivers of savings banks to make report.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the receiver of any savings bank or savings institution, to

tofore appointed or who may hereafter be appointed, to make a report to the chancellor once in every three months, showing the amount of money received by him, his agents and attorneys, the amount he has by law a right to retain, the items for which he has retained it, the distributive shares of each person interested in the amount in his hands, also showing the assets on hand at the date of each report and uncollected, the said report to be verified by the oath of such receiver, and a copy of it to be filed, immediately after making the same, in the office of the clerk of the county in which the savings bank or institution was located; the first report under this act to be made and filed as aforesaid on or before the first Monday of May next; a failure to comply with the provisions of this act on the part of a receiver, shall be sufficient cause for his removal.

When first report to be made.

Failure to make report, receivers to be removed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

## CHAPTER XLII.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of writs of certiorari brought to remove the appointment of or proceedings by commissioners appointed to examine and appraise the lands or materials, and to assess the damages for such land and materials required for the construction of any railroad in this state, such certiorari shall not operate as a stay of any proceedings that have been or may be taken by such commissioners so appointed; and the railroad company or companies upon whose application such commissioners shall have

Writs of certiorari to remove appointment or proceedings of commissioners not to operate as a stay, &c.

If proceedings be  
set aside or va-  
cated new com-  
missioners may  
examine and ap-  
praise lands, &c.

been appointed, shall not be stayed, hindered, interfered with, nor delayed in the building and construction of their said railroad or railroads by reason of said certificate; and in case any proceedings removed by certificate as aforesaid, shall be set aside or vacated by the court, it shall be lawful for new commissioners to examine and appraise said lands and materials, and assess damages in the manner now required by law, and the entry of said railroad company or companies upon lands under proceedings reversed shall be held to be no trespass.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

#### CHAPTER XLIV.

A Supplement to an act entitled "An act concerning evidence" (Revision), approved March twenty-seven, anno domini one thousand eight hundred and seventy-four.

Persons sued  
may be sworn  
and examined as  
witnesses.

Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all civil actions in court of law or equity of this state, any party thereto may be sworn and examined as a witness, notwithstanding any party thereto may sue or be sued in a representative capacity; *provided, nevertheless*, that this supplement shall not extend so as to permit testimony to be given as to any transaction with or statement by a testator or intestate represented in said action.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

## CHAPTER XLV.

A Further Supplement to the act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks or registers of the several counties of this state be and they are hereby authorized and required to record, in suitable books to be provided for that purpose, any release, or deed intended to operate as a release, in which release or deed the intention to operate as a release shall be plainly manifest, of any lands from the lien and effect of any mortgage or judgment encumbrance thereon, the same having thereon such certificate of the acknowledgement or of the proof of execution thereof, as is or may be by law required for recording of deeds, which certificate shall be recorded therewith; and such recording shall be notice from the time such release, or deed intended to operate as a release is left for that purpose, to all persons concerned, that said lands have been released from said mortgage or judgment encumbrance.

Releases of lands from liens, mortgages or judgments to be recorded.

Recording to be notice of release.

2. *And be it enacted*, That such releases, and deeds intended to operate as releases, shall be properly indexed in suitable indexes to be provided for that purpose, and the records and certified copies thereof shall be evidence, in the same manner and in like cases as the record of deeds; and the clerk or register shall be entitled to the same fees for recording such releases, and deeds intended to operate as releases, and for copying such records, as for recording and copying deeds, and for every search, five cents for each book.

Release, &c., to be indexed and copies to be evidence.

Fees, &c.

3. *And be it enacted*, That when any such release, or deed intended to operate as a release, made and executed after this act shall take effect, is not recorded, or when in

Payments made in good faith without actual notice to be valid and effectual.

such release or deed the intention to operate as a release shall not be plainly manifest, as in this act provided, payment made, in good faith and without actual notice of such release or deed, to the holder of any mortgage or judgment, from the lien and effect of which any lands may be thereby released, and any assignment of such mortgage or judgment, or of any interest therein, to any person not having actual notice of such release or deed shall be as valid and effectual as if said release or deed had not been made; and any lands released from the lien and effect of any mortgage or judgment by such release or deed not recorded, shall be bound by the proceedings and sale under and by virtue of such mortgage or judgment, as if the said lands had not been released from the lien and effect thereof.

Act when to take effect.

4. *And be it enacted*, That this act shall take effect on the fourth day of July next.

Approved February 25, 1880.

## CHAPTER XLVI.

A Supplement to an act entitled "An act relating to the powers of municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Moneys received to be paid over to authorities.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the receiver or other collector of taxes authorized by the act to which this is a supplement, to receive money to aid authorities owning and managing works for the supplying of water to the public in carrying on such works, shall pay all moneys as received by him for the managing of said works when collected directly, and as collected, to such authorities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1880.

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## CHAPTER XLVII.

A Further Supplement to the act entitled "An act to authorize the formation of railroad corporations and to regulate the same" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the time heretofore allowed by law for the completion of the railroad (including tunnel work) of any railroad company incorporated under the laws of this state, whose route does not exceed four miles in length, will prove insufficient for the completion of the road, or has expired or is about to expire, said time is hereby extended for the period of four years from and after the passage of this act.

Time extended  
for completion  
of road.

2. *And be it enacted*, That it shall be lawful for any railroad now organized under the act to which this is a supplement, to cross with their road any other railroad at any point not more than two miles from the terminus of either road at any angle not less than fifteen degrees; *provided*, that if the road crossed has more than one track, no change shall be made in the angle of crossing unless the said crossing shall be above grade; *and provided*, such crossing above grade shall span the entire roadway of such road crossed, not exceeding one hundred feet.

Railroads may  
cross at angle.

Proviso.

Proviso.

3. *And be it enacted*, That in cases where any railroad company has failed to construct their railroad upon any part of the location filed by them, within the time allowed by law, and since the expiration of said time any other railroad company has filed a location crossing the same,

When location  
shall have pri-  
ority.

Agents or brokers  
to return  
amount of pre-  
miums received,  
to treasurer of  
fire department  
relief fund.

business in any city, incorporated town, borough or township of this state having, or may hereafter have, a fire department relief fund shall return to the treasurer of such fire department relief fund of the city, incorporated town, borough or township in which he is doing business, or effects an insurance, on the thirty-first day of December and the thirtieth day of June of each year a just and true account, verified by his oath that the same is a true account of all premiums which during the six months ending on the thirty-first day of December or the thirtieth day of June, as the case may be, preceding such report, or such portion of said period as he may have acted in the capacity as agent for a foreign insurance company, has been received by him or by any other person for him, or agreed to be paid for any insurance, or against loss or injury by fire upon property situated in such city, incorporated town, borough or township, which shall have been effected for an individual or association not incorporated by the laws of this state.

Section to be  
amended recited.

"2. *And be it enacted*, That such agent or agent of every fire insurance company aforesaid shall some time in the months of January and July in every year deliver to the treasurer of the benevolent fund of the fire department of the city in which such agent is doing business, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the six months preceding the thirty-first day of December and the thirtieth day of June in each year, or for such portion of said periods for which they may have acted as agents, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent for premiums, or any insurance against loss or injury by fire upon any property, shall be amended so it shall read as follows :

Section as  
amended

Pay to the  
treasurer of the  
benevolent fund  
of the city

2. *And be it enacted*, That such agent or agents, brokers or brokers, of every fire insurance company aforesaid shall, some time in the months of January and July in every year in which he shall act as such agent, or broker, deliver and pay to the treasurer of the benevolent fund



of the fire department of the city, incorporated town borough or township in which such agent or broker is doing business, or effects an insurance, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said period for which they may have acted as such agents or brokers, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent or broker for premiums on any insurance against loss or injury by fire upon any property.

"3. *And be it enacted*, That such agent doing business as aforesaid shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of the insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance and the premium paid therefor, and in case any fraud or dishonesty in the return made by such agent as provided for in section one of this act be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city in which such agent is doing business, to obtain an order from the presiding judge of the court of common pleas of the county in which said city is located, compelling such agent to produce in said court his books of accounts for examination by said court," be amended so it shall read as follows :

3. *And be it enacted*, That such agent or broker doing business or effecting an insurance as aforesaid, shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance, and the premium paid therefor ; and in case any fraud or dishonesty in the return made by such agent, as provided for in section one of this act, be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city, incorporated town, borough or township in which such agent or broker is

Section to be  
amended recited.

Section as  
amended.  
Agent, &c., to  
keep accurate  
books of all busi-  
ness.

Proceedings in  
case of apparent  
fraud in return of  
agents.

doing business, or effects an insurance to obtain an. from the presiding judge of the court of common ple the county in which said city, incorporated town rough or township is located, compelling such age broker to produce in said court his books of account examination by said court.

Section to be amended recited.

"4. *And be it enacted*, That every agent of any fire insurance company who shall neglect to keep books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, an order of said court, or shall fail or neglect to report and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city," be amended so it shall read as follows:

Section as amended.

Penalty for failure.

4. *And be it enacted*, That every agent or broker of foreign fire insurance company who shall neglect to keep such books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, upon an order of said court, or shall fail or neglect to report and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city, incorporated town, borough or township.

Repealer.

2. *And be it enacted*, That all acts and parts of acts consistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 1, 1880.

## CHAPTER LIV.

A Further Supplement to an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight, which reads as follows:

"5. *And be it enacted*, That the board of direction may appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall each have the power and authority of a constable so far as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of such company; nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof," be amended so as to read as follows:

5. *And be it enacted*, That the board of direction may appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall

Section to be  
amended recited.

Section as  
amended.  
Board of Direc-  
tion.

Badge of office.

assessment; but in making such reassessment any of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed," be and is hereby amended to read as follows:

Section as amended.

Proceedings where assessments have been set aside by court of review.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvements heretofore made or after to be made in any city of this state, has been set aside, shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of review, the common council or board of aldermen of said city shall ascertain and estimate the amount of the assessments or assessments so set aside, together with the legal interest accrued thereon, and the costs and expenses of a new assessment and thereupon a new assessment shall be made by three commissioners appointed by the court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such reassessment the persons authorized to make the same shall assess upon all owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment set aside which is equal to the amount of benefits actually received by said lands and real estate proportionately nearly as may be to the benefit each owner thereof is deemed to acquire, and the balance of said assessments so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original assessment but in making such reassessment any tracts of land and real estate originally assessed for the benefits of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

## CHAPTER LII.

A Supplement to an act entitled "An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state," which reads as follows:

1. "BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond or brook of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive matter whatsoever calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to and into such creek, pond or brook, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both," be and is hereby amended to read as follows: Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall throw, cause or permit to be thrown into any reservoir, or into the waters of any creek, pond or brook of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive Section as amended.  
Punishment for polluting waters.

matter whatsoever calculated to render said waters pure, or to create noxious or offensive smells, or to connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to, or into any such creek, pond or brook, or shall so deposit or cause or permit to be deposited any such carcass, offal or other offensive matter that the washing or waste therefrom shall or may be conveyed to and into any creek, pond, brook or reservoir, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

Owners or occupants of lands to bury offal, &c.

Penalty for violation.

Repealer.

2. *And be it enacted*, That it shall be the duty of every owner or owners, occupant or occupants of any land whereon any such carcass, offal or other offensive matter may be, to cause the same to be buried forthwith, so that all portions thereof shall be covered with solid earth to a depth of at least two feet below the surface of the ground, and not within a distance of two hundred feet from such creek, pond or brook used as aforesaid; and any such owner or occupant who shall refuse or neglect for the space of two days to remove and bury as aforesaid, or cause to be removed and buried, any such carcass, offal or offensive matter, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act in as far as they are inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 27, 1880.

## CHAPTER LIII.

A supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities from fire insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, two, three and four of the act to which this is a supplement, which reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents of any foreign fire insurance company doing business in any city of this state having a fire department relief fund shall return to the treasurer of such fire department relief fund of the city in which he is doing business, on the thirty-first day of December and the thirtieth day of June of each year, a just and true account, verified by his oath that the same is a true account of all premiums which during the six months ending on the thirty-first day of December or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance or against loss or injury by fire upon property situate in such city, which shall have been effected for any individual or association not incorporated by the laws of this state," be amended so it shall reads as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents, broker or brokers, of any foreign fire insurance company doing

Agents or brokers  
to return  
amount of pre-  
miums received,  
to treasurer of  
fire department  
relief fund.

business in any city, incorporated town, borough or township of this state having, or may hereafter have, a fire department relief fund shall return to the treasurer of such fire department relief fund of the city, incorporated town, borough or township in which he is doing business, or effects an insurance, on the thirty-first day of December and the thirtieth day of June of each year a just and true account, verified by his oath that the same is a true account of all premiums which during the six months ending on the thirty-first day of December or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance, or against loss or injury by fire upon property situated in such city, incorporated town, borough or township, which shall have been effected for any individual or association not incorporated by the laws of this state.

Section to be  
amended recited.

"2. *And be it enacted*, That such agent or agents of every fire insurance company aforesaid shall some time in the months of January and July in every year in which he shall act as such agent, deliver and pay to the treasurer of the benevolent fund of the fire department of the city in which such agent is doing business, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said periods for which they may have acted as such agents, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent for premiums, or any insurance against loss or injury by fire upon any property," be amended so it shall read as follows:

Section as  
amended.

Payment of tax  
on premium to  
be paid semi-  
annually.

2. *And be it enacted*, That such agent or agents, broker or brokers, of every fire insurance company aforesaid shall, some time in the months of January and July in every year in which he shall act as such agent, or broker, deliver and pay to the treasurer of the benevolent fund



of the fire department of the city, incorporated town borough or township in which such agent or broker is doing business, or effects an insurance, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said period for which they may have acted as such agents or brokers, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent or broker for premiums on any insurance against loss or injury by fire upon any property.

"3. *And be it enacted*, That such agent doing business as aforesaid shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of the insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance and the premium paid therefor, and in case any fraud or dishonesty in the return made by such agent as provided for in section one of this act be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city in which such agent is doing business, to obtain an order from the presiding judge of the court of common pleas of the county in which said city is located, compelling such agent to produce in said court his books of accounts for examination by said court," be amended so it shall read as follows :

3. *And be it enacted*, That such agent or broker doing business or effecting an insurance as aforesaid, shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance, and the premium paid therefor ; and in case any fraud or dishonesty in the return made by such agent, as provided for in section one of this act, be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city, incorporated town, borough or township in which such agent or broker is

Section to be amended recited.

Section as amended.  
Agent, &c., to keep accurate books of all business.

Proceedings in case of apparent fraud in return of agents.

doing business, or effects an insurance to obtain an order from the presiding judge of the court of common pleas of the county in which said city, incorporated town, borough or township is located, compelling such agent or broker to produce in said court his books of accounts for examination by said court.

Section to be  
amended rectified.

"4. *And be it enacted*, That every agent of any fire insurance company who shall neglect to keep books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, upon an order of said court, or shall fail or neglect to do so, and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city," be amended so it shall read as follows:

Section as  
amended.  
Penalty for failure.

4. *And be it enacted*, That every agent or broker of any foreign fire insurance company who shall neglect to keep such books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, upon an order of said court, or shall fail or neglect to do so, and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city, incorporated town, borough or township.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 1, 1880.

## CHAPTER LIV.

A Further Supplement to an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight, which reads as follows:

"5. *And be it enacted*, That the board of direction may appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall each have the power and authority of a constable so far as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of such company; nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof," be amended so as to read as follows:

5. *And be it enacted*, That the board of direction may appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall

Section to be  
amended recited.

Section as  
amended.  
Board of Direc-  
tion.

Badge of office.

To have power  
and authority of  
constables.

Proviso.

Repealer.

each have the power and authority of a constable, and as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose in any part of the state, issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of their power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of such company; it shall be lawful for the members of said companies to demand and receive reasonable fees and rewards as shall be agreed upon by the officer or officers of those who may employ them, for their services as pursuers or detectives, from any person or persons who may employ them, and to make contracts and agreements concerning such employment.

2. *And be it enacted*, That all parts of the act to which this is a further supplement inconsistent with this act, and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 2, 1880.

## CHAPTER LV.

An act to authorize railroad companies to change their corporate name.

Railroad Companies may change their corporate name.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company organized under the laws of this state to change their corporate name in the following manner: The board of directors, by resolution shall designate the name which it is proposed to adopt, and authorize the president of said board of directors to give notice to the stockholders, by publication in at least one newspaper published in each county through which said railroad is located, once a week for four weeks, of a meeting to

held for the purpose of considering said change of name, fixing a time and place of holding said meeting, and if at said meeting a majority in interest of the stockholders present shall vote in favor of the proposed name, it shall be the duty of the president of said board of directors, to file in the office of the secretary of state, a statement signed by the president and secretary of said company, containing all the proceedings of said meeting, and from and after the filing of said statement, the said name so adopted shall be the corporate name of said company, with the like effect for all purposes, as if the same had not been changed; *provided, however*, that said change of name shall in no wise impair or affect any existing contract to which said company is a party.

Statement to be  
filed in office of  
secretary of state.

Proviso.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 2, 1880.

## CHAPTER LVI.

An act respecting sewerage and drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition stating that any particular place or district therein described, in any township of this state, is in a condition detrimental to the public health, or likely to become so, signed by property owners in said district, the assessed value of whose real estate within said district is one-tenth of the assessed value of the real estate within said district, shall be presented to the township committee of said township in which said district is situate, the said committee, if satisfied that said petition fairly represents the wishes of a sufficiently large proportion of the property owners of said district, shall employ a competent civil engineer to make plans and specifications for the building of a sewer

Township committee may, upon petition of property owners, employ engineers to make plans and specifications for building sewers, drains, &c.

or sewers, drain or drains, the erection or construction of pumps, dykes, dams, tidebanks and such other works and such filling and excavating as may be necessary to secure a sufficient and proper drainage or sewerage both, of the place or district required to be drained or sewerage.

Petition to be presented to township committees if district located in more than one township.

Decision of committee to appoint engineer to be conclusive.

Report of engineer to be presented, and committee may change plans and specifications.

Plans, &c., when completed, to show location and size and estimate of cost.

To remain open for inspection, and notices to be published.

Resolution to be held for adoption of plans, and whether bonds shall be issued.

2. *And be it enacted*, That if said district be located in more than one township, said petition shall be presented to the township committees of such township, who, acting thereon, and in carrying out the provisions of said act, shall act as one committee, or refer the matter to a sub-committee of their number.

3. *And be it enacted*, That the decision of such township committee or committees to appoint such engineer, shall be conclusive as to the sufficiency of the petition.

4. *And be it enacted*, That the report of such engineer with plans and specifications for properly draining and sewerage said district, shall be presented to the said committee, who shall thereupon consider the said report, and may in connection with said engineer, make such changes in said plans and specifications as they, or a majority of them, deem advisable; said plans and specifications when completed, shall show the location and size of main sewers and drains to empty into said main sewer and other general features of the plan, and shall show what part of said plan it is proposed to carry out immediately, and shall have annexed thereto an estimate, made by said engineer, of the probable cost of the work it is proposed to construct immediately including damages and compensation for any lands which it may be necessary to take or use; and the said plans, specifications and estimate shall then be and remain open for public inspection at some convenient place, at reasonable hours, for four weeks, and notice thereof shall be given by publication once a week during said four weeks in a newspaper published in or nearest to said district and also by posting large and conspicuous notices in public places in said district.

5. *And be it enacted*, That the said committee shall order an election to determine whether said plans, or part thereof which it is proposed to carry out immediately, shall be adopted, and whether bonds shall

issued to procure money to pay for the same, and shall designate the time and place, or places for holding said election, and appoint inspectors thereof; and the notices required in the fourth section of this act shall contain a notice of such election, and of the time and place or places appointed therefor; at such election the polls shall be open from eight o'clock in the morning till five in the afternoon of the day on which it is held, and every freeholder residing in said township or townships in which said district is situate may vote, and the inspectors shall certify the result of said election to the clerk of the county in which said district is situate; should a majority of the votes cast be against the plan proposed, or against issuing bonds, the said committee shall have power to submit the same or other plans to the electors at another election, to be ordered and held in the same manner as hereinbefore provided.

6. *And be it enacted*, That whenever at any election held in accordance with section five of this act, a majority of the votes cast shall be in favor of the adoption of any plan submitted as aforesaid, and the result of such election shall have been properly certified to the clerk of the county, the said committee shall proceed to construct and complete such works in accordance with said report, plans and specifications.

If plans are adopted at election, committee to proceed and complete the work.

7. *And be it enacted*, That said committee shall have power to issue certificates of indebtedness or improvement certificates to the contractors for work done, to be paid out of moneys raised for the purposes specified in this act as hereinafter set forth; and in case an issue of bonds has been authorized as aforesaid, to issue registered or coupon bonds of said township or townships for the purpose of providing funds to pay for said improvements; said bonds shall be made payable at times to be therein specified, not more than twenty years thereafter, but so that an equal amount of said bonds shall fall due each year after the first; such bonds shall be of the denominations of one thousand, five hundred and one hundred dollars, and shall bear interest at the rate of six per centum per annum; in case the said district lies in more than one township, the said committee shall determine the amount of bonds to be issued by each township

Committee authorized to issue certificate of indebtedness or improvement certificates.

May issue bonds.

When district lies in more than one township, committee to determine amount of bonds to be issued by each township.

in proportion to the amount of the assessment for work likely to be assessed upon lands situate in township respectively; said bonds shall be issued under the seal of the township, and be signed by the township committee and countersigned by the treasurer of the township, and shall be a lien upon all the real estate assessed as hereinafter provided.

Committee empowered to construct sewers, drains, pumps, dams, &c., through or across any street or streets, and through any private lands.

Compensation may be awarded and notice given to owners.

Award to be final unless reconsidered or appealed from.

Interest.

Committee to award compensation to owners of lands in a neighboring township.

8. *And be it enacted*, That the said committee shall have power to construct such sewers, drains, pumps, ditches, dams, tidebanks, and other works, in accordance with plans adopted, through and across any road or street in the township or townships in which said district lies, also through any private lands in such township or townships, in which latter case they shall award to the owner or owners of such lands just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded and notice thereof given to the owner personally, if he be known and resident of the county, and if not a resident of the county, then by mail, according to the best information that can be obtained as to his address, before commencing such work; and such award shall be final, unless such committee shall reconsider the same and make a new award, or such owner shall appeal, as provided in section fifteen of this act; such award shall bear interest at the rate of six per centum per annum from the date of the making of the same till paid.

9. *And be it enacted*, That if the said committee find it necessary to construct and work through or across any lands in a neighboring township, and are unable to agree with the owners of such lands upon the compensation to be paid therefor, they shall apply to the township committee of said township, who shall decide upon the necessity of entering said township with such work, and if they, or the court of common pleas, on appeal, decide to allow such work in such township, the township committee shall award compensation upon the same principles, and proceed in the same manner, and the same notice shall be given, and their action shall



subject to the same appeal as provided in the eighth section of this act.

10. *And be it enacted*, That the expense of such work shall be assessed upon lands specially benefitted by such improvement, in proportion to the benefit received thereby, but not exceeding in any case the amount of such benefit; when such work is completed, the said committee shall apply to the court of common pleas of the county where said improvement is situate, for the appointment of commissioners to make such assessment; two weeks' notice of such application shall be given in one of the newspapers published in said county circulating in the neighborhood of said district, and the said court shall thereupon appoint three discreet and impartial freeholders, not property owners, taxpayers or residents within said district, or liable to be taxed or assessed for such improvements, as commissioners to make such assessment; and said commissioners shall, before entering upon the duties of their office, subscribe and file in the office of the clerk of the county, an oath, faithfully and impartially to discharge the duties devolving upon them as such commissioners; said commissioners shall thereupon give ten days' notice in a newspaper circulating in said district, that they will meet at a certain time and place to hear the views of all persons interested in the matters referred to them, at which time and place said commissioners shall meet and give full reasonable opportunity to all persons interested to express their views, and may adjourn from time to time, and shall thereupon proceed to make a just and equitable assessment of the costs and expenses of said improvement, including damages for lands or property taken or used, upon the lands specially benefitted by such work in proportion to the benefits acquired by said lands, not exceeding in any case the special benefits so received; within ten days after making such assessment, a notice shall be sent through the post office to each owner of lands so assessed (as nearly in such case as the name and address of the owner can be ascertained), stating the amount assessed against said land, and that said assessment will be open for inspection during the next fifteen days, and that the said commissioners will then meet at a time and place,

Expenses to be assessed upon lands specially benefitted.

Appointment of commissions to make assessment, how made.

Commissioners to take oath.

Notice of meeting to be published.

Commissioners to make assessment of costs and expenses, and damages upon lands specially benefitted.

Notice of amount of assessment to be mailed to each owner of land.

Commissioners may revise, alter, correct and confirm assessments and to file the same in county clerk's office.

Determination to be conclusive unless an appeal be taken.

Assessment to be and remain a lien upon property.

Assessments when due and payable, and to bear interest.

Collector to collect assessments.

in said notice specified, to hear objections and to reconsider and correct and finally confirm said assessment; at what time and place the said commissioners shall meet, and shall give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and may reconsider said assessment, and shall make any alterations therein they may deem just, and thereupon shall revise, correct and finally confirm the said assessment, and within ten days thereafter shall file the said assessment in the office of the clerk of the county. The clerk shall give notice of such filing by publication one week for four weeks, in a newspaper published in the nearest to said district; and the determination of the commissioners, or a majority of them, shall be final and conclusive, unless an appeal be taken, as provided in section fifteen of this act.

11. *And be it enacted*, That from and after the filing of said assessment in the office of the clerk of the county, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon and all cost and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, deed or alienation of such land, or any judgment, mortgage or encumbrance thereon, and notwithstanding any mistake or omission in the name or names of the owner or owners thereof, any omission to name the owner or owners thereof in any assessment in which such mistake or omission occurs, shall nevertheless be a valid and effectual lien as if the said assessment had been correctly assessed; and said assessment, in case bonds have been issued as aforesaid, be due and payable in equal annual installments concurrently with the said bonds, and bear interest at the rate of six per cent per annum from the date of filing said assessment in the county clerk's office, but said bonds shall always be receivable in payment of such assessment, and if no bonds be issued, then all the said assessment shall be payable immediately; and said assessment, and each installment as it falls due, shall be collected by the collector of the township and paid over to the treasurer thereof for the purposes specified in this act and no other; and if any person neglects to pay any assessment, or any installment thereof, with in

thereon, be not paid within one year from the time when the same is payable, then the land upon which the said assessment is a lien shall be sold to pay the same, with interest thereon at the rate of one per centum per month from the time when the same was payable, and all fees, charges and expenses of collection and sale in the same manner as land is authorized to be sold for unpaid taxes in the township where such land lies.

Assessments not paid within one year, land to be sold.

12. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection of such other works as are deemed necessary for the purposes aforesaid, shall exceed the benefits to lands specially benefitted thereby, such excess of cost and expenses shall be raised by general taxation in the township in which said district is situate, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected.

If cost of constructing sewers exceed the benefits, excess to be raised by general taxation.

13. *And be it enacted*, That the said committee shall have power to remove any civil engineer appointed as aforesaid and appoint another, and shall fix the compensation of such engineer; they shall also have power to appoint, employ, remove and discharge, from time to time, such superintendents, surveyors and other employees as they may deem necessary to carry out the provisions and intentions of this act, and to pay them such compensation or wages as they may deem fair and reasonable.

Committee empowered to appoint engineers, surveyors, employees, &c., and fix their compensation.

14. *And be it enacted*, That the court of common pleas of the county shall fix the compensation of the commissioners making the assessment, upon application made to said court, after filing the same; and the collector, for collecting the said assessment, shall receive the same compensation or fees as for the collection of taxes, and shall be subject to the same liabilities, pains and penalties, but he shall be allowed to retain his compensation, or fees, out of the moneys collected.

Court of common pleas to fix compensation of commissioners.

Fees of collector.

15. *And be it enacted*, That any person or persons feeling aggrieved by the action of any committee in awarding compensation for lands or property taken or used for the purposes of such improvement, or by the action of the commissioners making the assessment, pursuant to section ten of this act, may, within forty days after serving

Persons aggrieved may appeal from award of committee or commissioners.

or mailing the last notice required to be given of award or assessment, appeal to the court of common pleas of the county, by serving a notice in writing of appeal upon one of the committee or commissioners whose award or assessment it is intended to appeal, and the said court shall have full power to review the proceeding of said committee or commissioners in the premises; and the same, or any award, assessment or other action to confirm, alter, modify, set aside or reverse in whole or in part, for errors either of fact or in law, and the said court shall have power to hear and try the same in a summary way, and may summon a jury to determine any question of fact, and the said court may proceed in due course, according to the power of the court in other cases; and the determination of the said court shall be final and conclusive in the premises, and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter, in reference to which the appeal may be taken, until such final determination; and like fees and costs shall be paid to the judges, jury, officers of the court and parties, as are allowed in other causes of which said court may have jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken hereunder, if no such appeal shall be taken within the time and in the manner prescribed in this section of this act, the action of the said committee or commissioners shall be final and take effect, and they may proceed to carry the same into effect.

Determination of court to be final and conclusive.

Fees and costs on appeal.

Expense of maintaining and keeping in repair sewers, drains, &c., to be borne.

Time may be extended.

16. *And be it enacted*, That whenever any drains, sewers, or system of drains and sewers, or other works provided for in this act, shall have been constructed, the expense of maintaining and keeping the same in repair shall be borne by the township or townships in which the district benefitted thereby is located.

17. *And be it enacted*, That the time within which anything is required to be done by this act may be extended by the court of common pleas of the county for good reasons shown, and on such terms and conditions as may be just, provided no rights are prejudiced thereby.

such extension may be granted after the time before limited has expired.

18. *And be it enacted*, That this act shall not apply to Act not to apply. any incorporated city or village whose charter provides for works of the character specified in this act.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1880.

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## CHAPTER LVII.

An Act to repeal an act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of* Act repealed, *the State of New Jersey*, That the act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1880.

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## CHAPTER LVIII.

Supplement to "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The provisions of the first section of the act recited in the title of this act, and the provisions of an act amendatory thereof, approved April ninth thousand eight hundred and seventy-five, require certain advertisements to be published in two newspapers printed and published in the county in which the lands are situate, at least four weeks successively once a week next preceding the time appointed for selling the same; therefore,

No sale of lands  
to be invalid.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That no sale of lands made by any officer or other person since the approval of an amendatory act, shall be held to be invalid by reason of any failure to comply with the provisions of said act relating to the publishing of advertisements in two newspapers at least four weeks successively, once a week, next preceding the time appointed for selling the same;

Provided.

provided, the said sale or sales shall have been advertised at least four weeks successively, once a week, next preceding the same in at least one newspaper printed and published at the county seat of the county in which said lands are situate, and also at least four weeks successively, once a week, although not next preceding such sale, in another newspaper printed and published at the county seat of the county in which said lands are situate;

Provided.

provided, that all the other provisions of said last mentioned acts in relation to the publication of advertisements of sales of land shall have been complied with; and provided, that this act shall not be construed to extend to any sales of land to be made after this act shall have taken effect.

Provided.

2. And be it enacted, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LIX.

A supplement to an act entitled "An act relative to morgues and morgue keepers," approved March fourth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for the coroner or coroners of any county of this state in which there is a county physician or physicians regularly appointed by the board of chosen freeholders of such county, and morgue keeper or keepers heretofore regularly appointed by the judges of the court of common pleas of such county according to the provisions of the act to which this is a supplement, to take in charge and keep any dead body or bodies that shall not at the time of death or finding be known or claimed, but it shall be the duty of such coroner or coroners to deliver such body or bodies to the keeper of the public morgue of the district in which such death shall have occurred or body been found, who shall receive and place the same in such morgue.

Coroners to deliver dead bodies to keepers of public morgues.

2. *And be it enacted*, That it shall be the duty of the said coroner at once to notify the county physician who either in person or by deputy, which deputy shall be a regularly licensed and practising physician, shall view such body or bodies and if no inquest is deemed necessary, then such body or bodies shall be buried by the said morgue keeper, and the expenses of the same shall be a legal charge upon and shall be paid by the county wherein such death shall have occurred or body been found; *provided*, that the whole charge upon the county shall not exceed the sum of ten dollars for each body as buried.

Coroner to notify county physician to view bodies.

Morgue keeper to bury, and expense of same to be paid by the county.

Proviso.

3. *And be it enacted*, That if after such view an inquest shall be deemed necessary by the said county physician or

Inquest to be held if deemed necessary by county physician



Bodies to be  
buried by  
morgue keeper  
also the expense  
to be paid by the  
county.

Proviso.

Burial certificates  
by whom issued.

Unknown dead  
bodies to be deliv-  
ered to friends or  
relatives on de-  
mand

Morgue keepers  
to keep record of  
bodies and take  
possession of all  
property, &c.

Police officers to  
notify morgue  
keepers of un-  
known dead  
bodies.

Penalty for vio-  
lation of this act.

Repealer

his said deputy, the same shall be held as now pro-  
by law by the coroner in whose district such body  
have been found, after which the said body or bodies  
be buried by the said morgue keeper, and the expense  
the same shall be a legal charge upon and shall be  
by the county wherein such death shall have occurred  
or body been found; *provided*, that the whole charge  
upon the county shall not exceed the sum of fifteen  
dollars.

4. *And be it enacted*, That it shall be the duty of  
the said county physician or his said deputy to grant ex-  
clusively to the said morgue keepers, and to no other,  
burial certificates for the unknown dead.

5. *And be it enacted*, That if any unknown dead  
or bodies shall be identified after the same has been  
placed in said morgue it shall be the duty of the  
morgue keeper to deliver the same to any relative or  
friend making demand therefor, who shall make known  
the name and last residence of the deceased, and shall receive  
written receipt for said body or bodies in a book  
kept by the said morgue keeper for that purpose.

6. *And be it enacted*, That it shall be the duty of  
said morgue keeper or keepers to keep a correct record of  
all bodies deposited in said morgue and to take possession  
of all clothing and other property found upon the  
person of the deceased and dispose of the same as  
provided by law.

7. *And be it enacted*, That it shall be the duty of  
chief of police or any police officer on duty in any city  
in which said morgues exist, to notify the coroner, who  
at once notify the keeper of the nearest morgue of the  
finding of all unknown or unclaimed dead in said city.

8. *And be it enacted*, Any person violating any of  
the provisions of this act shall be deemed guilty of a  
misdemeanor and upon conviction thereof shall be  
fined in an amount not less than ten dollars or more  
than twenty-five dollars.

9. *And be it enacted*, That all acts or parts of acts  
inconsistent herewith be and the same are hereby repealed  
and that this act shall take effect immediately.

Approved March 3, 1880.



## CHAPTER LX.

Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four, and which reads as follows:

"2. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel, between the first day of January and the first day of July in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession," be amended so as to read as follows:

2. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel, between the first day of January and the first day of September in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

Section to be amended recited.

Section as amended.

Penalty for killing or exposing to sale any gray, black or fox squirrel.

## CHAPTER LXI.

A Supplement to "An act respecting jails," approved April twenty-first, one thousand eight hundred seventy-six.

Jailers to put and keep at work all persons detained for non-payment of fines, or costs of conviction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the jailer of every county jail in this state to put to work all persons detained in his custody for the non-payment of any fine, or costs of conviction; such work to be directed and provided by the boards of chosen freeholders of the respective counties, and to be performed for the benefit thereof if they shall see fit to order and cause such work to be done; unless any such person shall be excused from such work for good cause shown, by the president judge of the court which may have imposed sentence on such person.

Approved March 3, 1880.

## CHAPTER LXII.

An Act for the better securing of the property of married women living in a state of separation from their husbands.

Married women living in a separation from her husband may assign, convey, sell, mortgage, lease or devise real property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who is living in a state of separation from her husband, and who now is or may hereafter become entitled by

devise, bequest or descent to any contingent estate, or interest in any real or personal property or estate, except any estate that may have come to her from her husband, may, without the consent or concurrence of her husband, compound and receipt for, assign, convey, sell, mortgage and lease or devise any interest, estate or right that she may have in any real property, the same in all cases where she lawfully might, if a *feme sole*; and every release, receipt, assignment, discharge, agreement, covenant or contract thereupon entered into by her in regard to the same, and to the said real or personal property, shall be as valid and binding in every respect upon her, her heirs, executors, administrators and assigns, and any and all persons claiming under her, them or either of them, as if she were at the time of entering into the same, a *feme sole*, and when duly executed and acknowledged in the manner provided by law for conveyance of real estate, may be recorded in the surrogate's office, and whenever it relates to real estate, in the clerk's or register's office of the proper county or counties, in the same manner and with like effect as other receipts and discharges may now be recorded therein.

All releases, agreements, assignments, &c., declared valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXIII.

A Supplement to the act entitled "An act for the punishment of crimes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the owner or owners in fee of any mortgaged premises, or any tenant or tenants under him, her or them, shall willfully remove, tear down

Penalty if owners in fee of mortgaged premises or tenants under him shall willfully remove, tear down or destroy any dwell-

ing house, shop,  
etc., after fore-  
closure proceed-  
ings have been  
commenced.

or destroy or aid, counsel, procure or consent to the rearing, tearing down or destroying any dwelling house, warehouse, storehouse, mill, barn, stable, wagon house, outhouse or other building whatsoever erected upon mortgaged premises, or any of the fencing thereon, shall cut down and remove the growing timber with intent to cheat, wrong or defraud the parties holding encumbrances after foreclosure proceedings have been commenced against the same, and a subpoena has been served upon such owner or tenant, without having obtained the written consent of the complainant in the suit, and of all other persons holding encumbrances against said mortgaged premises, or the written consent of the chancellor, or of one of the justices of the supreme court, if foreclosure be commenced in the circuit court upon petition for that purpose; he, she or they so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one hundred dollars, or by imprisonment, at hard labor, for any term not exceeding one year, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXIV.

A Further Supplement to an act entitled "An act to provide for the incorporation and regulation of joint stock insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Elections to be  
held by stock-  
holders.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all elections of directors of any joint stock insurance company whose object is to assist its sick or needy members or to aid in defraying funeral expenses of deceased members and make provision for the families, existing under the laws of this

organized under special charter, or under the act to which this is a further supplement shall be by the stockholders of such company, and no policy holder or person insured in such company shall be entitled to vote at such elections, unless such policy holder or person insured shall also be a stockholder in such company. Policy holders not entitled to vote.

2. *And be it enacted*, That all acts and parts of acts, Repealer. general and special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXV.

An Act to regulate the rate of passenger fares on railroads doing business under special charters granted by the legislature of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any railroad company doing business in this state, under a special charter, to charge more than three and a half cents per mile for carrying each passenger, and any ticket except excursion tickets shall be good until used, but no charge shall be required in the aggregate to be less than ten cents; *provided*, that nothing in this act shall be construed to affect an act entitled "An act to authorize railroad companies to charge and collect an excess of ten cents where fare is paid in the cars." Rates of fare and tickets good until used. Proviso.

2. *And be it enacted*, That so much of all acts in relation to passenger fares on railroads, whether public or private, heretofore granted by the legislature of this state, that come in conflict with the provisions of this act are Repealer.

hereby repealed, and that this act shall be deemed taken as a public act and shall take effect immediately.  
Approved March 3, 1880.

## CHAPTER LXVI.

A Further Supplement to the act entitled "An act for relief of soldiers and sailors of this state in the war of one thousand eight hundred and twelve," approved March twelfth, one thousand eight hundred and seventy-four, and the supplement thereto approved April fifth, one thousand eight hundred and seventy-eight.

### Preamble.

WHEREAS, The legislature of the state of New Jersey order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors a sum of one hundred dollars in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; *and whereas*, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; *and whereas*, there are a few soldiers and sailors and widows of soldiers and sailors of the war of one thousand eight hundred and twelve, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received pension of the state of New Jersey, though justly entitled to the same; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the sum of one hundred

lars be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy-eight, or to the day of their pension, who have not received such pension, which they were justly entitled to under the said act of March twelfth, one thousand eight hundred and seventy-four.

Pensions to be paid to soldiers and sailors, and widows of the war of one thousand eight hundred and twelve.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Repealer.

Approved March 3, 1880.

## CHAPTER LXVII.

A Supplement to an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, which now reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of ten days, then the chancellor of this state, upon petition of any citizens of this state, and due proof of the facts, shall speedily appoint a receiver, which said receiver, by order of the chancellor, shall be and is hereby empowered and

Section to be amended recited.

required to take possession of all the real and personal property of said company, and to operate said road and transact the ordinary business thereof in the transportation of freight and passengers, for such time as the chancellor may direct, and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus, if any, be distributed as the chancellor may direct," shall be amended so as to read as follows:

Section as amended.

Upon failure to run trains, chancellor may, upon petition of citizens, appoint a receiver.

Provided.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of three days, then the chancellor of this state, upon petition of any citizen of this state, and due proof of the facts, shall speedily appoint a receiver, which said receiver, by order of the chancellor, shall be and is hereby empowered to take possession of all the real and personal property of said company, and to operate said road and transact the ordinary business thereof in the transportation of freight and passengers for such time as the chancellor may direct; and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus, if any, be distributed as the chancellor may direct; *provided*, that this act shall not apply to any railroad company whose road is situated at any seaside resort, not exceeding four miles in length, and which was built and intended merely for the transportation of summer travellers and tourists.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.



## SESSION OF 1830.

### CHAPTER LXVIII.

A Further Supplement to an act entitled •“An act to provide additional accommodations for the insane of this state,” approved March thirty-first, anno domini one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the different county insane asylums heretofore established, or which may be hereafter established, by the boards of chosen freeholders of said counties, in all cases in which by the laws of this state, the expense of the maintenance, charge, and care of an insane pauper in the state lunatic asylums, now is made chargeable to any of said counties, or shall hereafter be made so chargeable, it shall be lawful after the insanity of the pauper shall be ascertained in the manner prescribed by the provisions of the act entitled “An act for the organization of the state lunatic asylum, and for the care and maintenance of the insane,” approved February twenty-third, one thousand eight hundred and forty-seven, and the supplements thereto, to place such insane pauper in the asylums of said counties, respectively, at their expense, there to remain for the length of time set forth in the said act and the supplements thereto.

Insane paupers may be placed in county asylums.

2. *And be it enacted*, That in all cases where, by the laws of this state, a person in indigent circumstances, not a pauper, becomes insane and application shall be made in his behalf in the mode and manner prescribed by the act last aforesaid and the supplements thereto, it shall be lawful to place such person in the county asylum of the county where he resides, for the length of time in the said act and supplements expressed, if such person be chargeable to said county.

Insane persons may be placed in the asylum of the county where he resides.

3. *And be it enacted*, That the said boards of chosen freeholders of said county, respectively, may, in their

Chosen freeholders may receive patients in their counties for pay.

discretion, receive insane patients in said asylums, respectively, for pay, under such regulations as they may prescribe, the proceeds of which pay shall be expended the direction of said boards towards the support of under said county asylums, respectively.

Board of free-holders authorized to establish by-laws for regulating the appointment of wardens, &c., and the admission of patients.

4. *And be it enacted*, That the said boards are hereby authorized to establish such by-laws as they may deem necessary and expedient, for regulating the appointment of the superintendent or warden, and such other officers as they may deem necessary, but subject to removal at any time by a vote of two-thirds of the members of the board, for fixing the terms of admission, support, and discharge of patients, and for conducting in a proper manner the affairs and business of said asylums; and to ordain and enforce a suitable system of rules and regulations for the internal government thereof; and they shall fix the compensation of said officer or officers which compensation and all expenses and charges incurred in the erection, purchase, or hiring of buildings, furnishing the same, and maintaining and conducting the said asylums, shall be paid by the county collectors of said counties, from funds raised or to be raised by taxation, as other county expenses are raised and paid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880. .

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## CHAPTER LXIX.

An Act to authorize the issuing of bonds to fund the floating debt of incorporated towns.

Incorporated towns authorized to issue bonds to fund their floating indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town now existing in this state, whose chief executive officer is a mayor, for

the purpose of funding the floating debt that existed on the first day of January, one thousand eight hundred and eighty, in any such incorporated towns, for that purpose to issue bonds in the corporate name and under the corporate seal of any such town, signed by the mayor, countersigned by the chairman of the committee on finance and attested by the clerk of such town, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such town on the first day of January, one thousand eight hundred and eighty; such bonds may be registered or coupon bonds and shall bear a rate of interest not exceeding the legal rate at the time of issuing the same, payable half yearly, which bonds shall be of the denomination of not less than fifty nor more than five thousand dollars, and shall be redeemable at any time and in such instalments, not exceeding fifteen years from their date, and at any place within this state that the common council shall direct, and may be sold at public or private sale for the best price that can be obtained for the same, but shall not be for less than par value; and all the real estate and property within any such incorporated town shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

2. *And be it enacted*, That the common council or board of finance and taxation of any town that shall issue bonds under the provisions of this act, shall in order to redeem such bonds at their maturity, provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such towns are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and discharge the principal at the several times it shall become due and payable.

Payment of  
bonds and inter-  
est to be provided  
by taxation.

3. *And be it enacted*, That this act shall not apply to cities or townships, nor shall it apply to any incorporated towns that do not have a mayor for the chief executive officer.

Act not to apply.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXX.

A Supplement to "An act concerning corporations passed April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which section was amended by chapter ninety of the laws of one thousand eight hundred and seventy-six, reads as follows:

Section to be  
amended rectified.

"10. *And be it enacted*, That it shall and may be lawful for any three or more persons to associate themselves together into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, the transportation of goods, merchandise or passengers upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privilege with the right to take rivulets, raceways and land, to erect and maintain dams, reservoirs, raceways, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the buying, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same, the renting buildings and steam or power therewith, the cutting and digging peat, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any variety of sale or retail mercantile business, or any lawful business.

or purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same," be and the same is hereby amended to read and be in the following words, to wit:

10. *And be it enacted*, That it shall be lawful for three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, agricultural fairs and exhibitions for the encouragement of competition in agriculture, horticulture, breed of stock and development of speed in horses, the transportation of goods, merchandise or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the constructing, maintaining and operating (except in a town or city in which water works are established and owned by the corporate authorities) works for the special purpose of supplying water for extinguishing fires in mills, factories, manufacturing establishments and other buildings, the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privileges, with the right to take rivulets, raceways and lands, and erect and maintain dams, reservoirs, raceways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the making, purchasing and selling manufactured articles, and

Section amended  
recited.

Three or more  
persons may as-  
sociate them-  
selves into a com-  
pany upon filing  
certificate, &c.

Proviso.

Proviso.

also of acquiring and disposing of rights to make use the same, the renting buildings and steam or power therewith, the cutting and digging peat, marl, clay, or other like substance, and dealing same, manufactured or unmanufactured, or any whole or retail mercantile business, or any lawful business purpose whatever, upon making and filing a certificate in writing of their organization, in manner herein mentioned; *provided*, that nothing herein contained be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to purchase the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXI.

A Further Supplement to the act entitled "An act relating to the construction of railroads and canals" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Railroad corporations may construct branch railroads to connect with each other.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the railroad of any railroad corporations existing by or organized



any law of this state shall intersect or cross each other, or shall approach each other within a distance of one mile, and such corporations shall agree to connect their said railroads with each other, it shall be lawful for either corporation to determine upon constructing a branch railroad or railroads so as to effect such connection, and, having first filed a map and survey of such branch railroad or railroads in the office of the secretary of state to acquire, by purchase or by condemnation in the manner prescribed by its charter, such land as shall be necessary for such branch connecting railroads, and for that purpose all such powers as shall be contained in its charter or conferred otherwise by law shall be fully possessed by and belong to each of such corporations; *provided*, that all proceedings for such condemnation shall be according to said charters, with all rights of appeal and review thereby given; *provided further*, that in no case shall any connection be made without mutual consent in writing under seal of such corporations.

Map and survey  
to be held.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-eighth section of the act to which this is a supplement, which section reads as follows:

"48. *And be it enacted*, That if the complainant shall not attend at the time appointed for the hearing of the cause, his bill shall be dismissed with costs," be amended to read as follows:

Section to be  
amended recited.

Section as amended.

If complainant do not attend at the hearing, decree may be made in favor of defendant or bill dismissed with costs.

48. *And be it enacted*, That if the complainant shall attend at the time appointed for the hearing of the bill, answer, replication, documents, examinations and proofs shall be read on the part of the defendant or defendants, and the court thereupon may decree in favor of the defendant or defendants, or complainant or complainants, as the case may require, or may dismiss the complainant's said bill with costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXIII.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and jurisdiction of the ordinary and the orphans' courts and judges."

Persons not residents applying for probate of will, to give bond.

Bond how prosecuted.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any person or persons applying for the probate of any will shall reside out of the state of New Jersey, it shall be the duty of the orphans' court or surrogate to whom such application shall be made, before granting the same or letters testamentary thereon, to take from such person or persons a bond with security for the faithful administration of the estate of the testator, in the same manner now required by law in the case of administrations with the will annexed; and in case any bond given under this act shall become forfeited, it may be prosecuted in the same manner that bonds given by administrators with the will annexed be prosecuted; *provided*, that nothing in this act contained shall prevent the granting of letters testamentary on the estate of any deceased person to a non-resident executor or executors, without security, in cases where the will provides that no security shall be required.



the person or persons named as the executor or executors therein.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXIV.

An Act to amend an act entitled "An act for the establishment of workhouses in the several counties in this state," passed February twentieth, one thousand seven hundred and ninety-nine.

WHEREAS, The constitution of the United States provides Preamble. that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction;" therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth and sixth sections of the act of which this act is amendatory, and which are in the words following, to wit:

"5. *And be it enacted*, That it shall be lawful for any Section repealed. justice of the peace to commit to the said workhouse to hard labor, any stubborn, disobedient, rude or intemperate slave or male servant, on complaint of his or her master or mistress; and also, after due investigation of such complaint, to order such person to be punished by such confinement and labor as the said justice shall think reasonable.

"6. *And be it enacted*, That when any servant or slave Section repealed. of the description specified in the preceding section, shall be sent to such workhouse, the master or mistress shall pay for the food and diet of his or her servant or slave

such reasonable compensation as the said corporation shall fix," be and the same are hereby repealed.

Approved March 3, 1880.

## CHAPTER LXXV.

An Act to encourage the production and treatment of fibres in this state.

Preamble.

WHEREAS, There are ample assurances that the soil and climate of this state are adapted to the cultivation of jute, ramie, flax, hemp and various other fibrous plants and grasses, which are extensively grown in foreign countries, and largely imported into the United States; and whereas, the development of new productive industries are of essential benefit to the public welfare; therefore,

Treasurer authorized to pay bounties, upon vouchers.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That with the view to stimulate individual effort in the cultivation of fibrous plants, the treasurer of this state be hereby authorized to pay the following bounties, upon vouchers duly received by the payee, setting forth the quantities and prices of the products grown by him or them, whose affidavit of truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown; and moreover, the said vouchers shall be certified by the chief of the bureau of labor and industries of this state;

Vouchers to be certified.

### I.—JUTE.

Bounty for raising jute.

For every ton of two thousand pounds of *avicennae* stalks grown in New Jersey, not less than three feet long, five dollars; for every ton of two thousand pounds of what is known as rose, or marsh-mallow, not less than three feet long, and not more than one i-

diameter at the butt, five dollars; fractions of not less than a quarter ton in each case will be paid for at same rate; for every pound of marketable quality of disintegrated jute, two and a half cents;

## II.—RAMIE.

For every ton of two thousand pounds of ramie stalks not less than two and a half feet long, ten dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of disintegrated ramie ready for combing, five cents; for every pound of ramie yarn ready to weave, ten cents;

Bounty for raising ramie.

## III.—FLAX.

For every ton of two thousand pounds of flax stalks for fibre of the ordinary lengths, seven dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned flax of first American quality, three and a half cents;

Bounty for raising flax.

## IV.—HEMP.

For every ton of hemp stalks of two thousand pounds, of the ordinary length, six dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned hemp, of best American quality, three cents, *provided*, that the bounties hereby authorized shall cease on the first day of April, one thousand eight hundred and eighty-five; *and provided further*, that in no event shall the total amount expended in the form of bounties under this act, exceed the sum of fifteen thousand dollars, to be apportioned as follows: five thousand dollars to be awarded to the enumerated stalks; five thousand dollars to the enumerated cleaned fibre, and five thousand dollars to the ramie yarn.

Bounty for raising hemp.

Proviso.

Proviso.

2. *And be it enacted*, That it shall be the duty of the chief of the bureau of labor and industries to certify the vouchers referred to in the first section of this act, and to have the general supervision, control and decision of all

Chief of bureau of labor and industries to certify vouchers and have general supervision, &c.

discretion, receive insane patients in said asylum respectively, for pay, under such regulations as they prescribe, the proceeds of which pay shall be expended in the direction of said boards towards the support of said county asylums, respectively.

Board of free-holders authorized to establish by-laws for regulating the appointment of wardens, &c., and the admission of patients.

4. *And be it enacted*, That the said boards are hereby authorized to establish such by-laws as they may deem necessary and expedient, for regulating the appointment of the superintendent or warden, and such other officers as they may deem necessary, but subject to repeal at any time by a vote of two-thirds of the members of the board, for fixing the terms of admission, support, and discharge of patients, and for conducting in a proper manner the affairs and business of said asylums; and to ordain and enforce a suitable system of rules and regulations for the internal government thereof; and they shall fix the compensation of the officer or officers which compensation and all expenses and charges incurred in the erection, purchase, or hire of buildings, furnishing the same, and maintaining and conducting the said asylums, shall be paid by the county collectors of said counties, from funds raised or to be raised by taxation, as other county expenses are now and paid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880. .

## CHAPTER LXIX.

An Act to authorize the issuing of bonds to fund the floating debt of incorporated towns.

Incorporated towns authorized to issue bonds to fund their floating indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town now existing in this state, whose chief executive officer is a mayor

the purpose of funding the floating debt that existed on the first day of January, one thousand eight hundred and eighty, in any such incorporated towns, for that purpose to issue bonds in the corporate name and under the corporate seal of any such town, signed by the mayor, countersigned by the chairman of the committee on finance and attested by the clerk of such town, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such town on the first day of January, one thousand eight hundred and eighty; such bonds may be registered or coupon bonds and shall bear a rate of interest not exceeding the legal rate at the time of issuing the same, payable half yearly, which bonds shall be of the denomination of not less than fifty nor more than five thousand dollars, and shall be redeemable at any time and in such instalments, not exceeding fifteen years from their date, and at any place within this state that the common council shall direct, and may be sold at public or private sale for the best price that can be obtained for the same, but shall not be for less than par value; and all the real estate and property within any such incorporated town shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

2. *And be it enacted*, That the common council or board of finance and taxation of any town that shall issue bonds under the provisions of this act, shall in order to redeem such bonds at their maturity, provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such towns are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and discharge the principal at the several times it shall become due and payable.

Payment of  
bonds and inter-  
est to be provided  
by taxation.

3. *And be it enacted*, That this act shall not apply to cities or townships, nor shall it apply to any incorporated towns that do not have a mayor for the chief executive officer.

Act not to apply.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXX.

A Supplement to "An act concerning corporations, passed April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which section was amended by chapter ninety of the laws of one thousand eight hundred and seventy-six, reads as follows:

Section to be  
amended recited.

"10. *And be it enacted*, That it shall and may be lawful for any three or more persons to associate themselves together into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, the transportation of goods, merchandise or passengers upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the damming of rivers and streams, including the storage, transmission and sale of water, and water-power and privilege with the right to take rivulets, raceways and land, to erect and maintain dams, reservoirs, raceways, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the buying, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same, the renting buildings and steam or water-power therewith, the cutting and digging peat, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any variety of sale or retail mercantile business, or any lawful business.

or purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same," be and the same is hereby amended to read and be in the following words, to wit:

10. *And be it enacted*, That it shall be lawful for three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, agricultural fairs and exhibitions for the encouragement of competition in agriculture, horticulture, breed of stock and development of speed in horses, the transportation of goods, merchandise or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the constructing, maintaining and operating (except in a town or city in which water works are established and owned by the corporate authorities) works for the special purpose of supplying water for extinguishing fires in mills, factories, manufacturing establishments and other buildings, the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privileges, with the right to take rivulets, raceways and lands, and erect and maintain dams, reservoirs, raceways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the making, purchasing and selling manufactured articles, and

Section amended  
recited.

Three or more  
persons may as-  
sociate them-  
selves into a com-  
pany upon filing  
certificate, &c.



Proviso.

Proviso.

also of acquiring and disposing of rights to make use the same, the renting buildings and steam or power therewith, the cutting and digging peat, marl, clay, or other like substance, and dealing same, manufactured or unmanufactured, or any whole or retail mercantile business, or any lawful business purpose whatever, upon making and filing a certificate in writing of their organization, in manner here mentioned; *provided*, that nothing herein contained be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan of money, nor of any railroad company, turnpike company, or any other company which shall need to exercise the right of taking and condemning lands, except for damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXI.

A Further Supplement to the act entitled "An act relating to the construction of railroads and canals" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Railroad corporations may construct branch railroads to connect with each other.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the railroad of any railroad corporations existing by or organized



any law of this state shall intersect or cross each other, or shall approach each other within a distance of one mile, and such corporations shall agree to connect their said railroads with each other, it shall be lawful for either corporation to determine upon constructing a branch railroad or railroads so as to effect such connection, and, having first filed a map and survey of such branch railroad or railroads in the office of the secretary of state to acquire, by purchase or by condemnation in the manner prescribed by its charter, such land as shall be necessary for such branch connecting railroads, and for that purpose all such powers as shall be contained in its charter or conferred otherwise by law shall be fully possessed by and belong to each of such corporations; *provided*, that all proceedings for such condemnation shall be according to said charters, with all rights of appeal and review thereby given; *provided further*, that in no case shall any connection be made without mutual consent in writing under seal of such corporations.

Map and survey  
to be held.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

## CHAPTER LXXII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-eighth section of the act to which this is a supplement, which section reads as follows:

"48. *And be it enacted*, That if the complainant shall not attend at the time appointed for the hearing of the cause, his bill shall be dismissed with costs," be amended to read as follows:

Section to be  
amended recited.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

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## CHAPTER LXXXIX.

An Act concerning cities in this state.

Parties furnish-  
ing supplies for  
use of the poor  
may recover com-  
pensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever supplies for the use of the poor of any city in this state have been furnished to and accepted by the municipal authorities of said city, the party or parties supplying the same shall be entitled to recover compensation therefor, notwithstanding the fact that such supplies were ordered and furnished in excess of any fiscal appropriation made for the benefit of the poor in said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

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## CHAPTER XC.

A Supplement to an act entitled "Supplement to an act concerning bridges and turnpikes," approved March fourteenth, one thousand eight hundred and seven-  
nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act concerning bridges and turnpikes, approved March

twelfth, one thousand eight hundred and seventy-eight, which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county of this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed or appropriated in said county; and it shall be lawful for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes are raised; *provided, however*, that whenever there exists in any county of this state a county workhouse or prison for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county of this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed

Section to be  
amended rectified.

Section as  
amended.  
Title to any turn-  
pike, road, &c.,  
vested in board  
of chosen free-  
holders to be  
deemed and taken  
as a county road.

Provided,

Provided,

Repealer

or appropriated in said county ; and it shall be law for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes raised ; *provided, however, that whenever there exists any county of this state a county workhouse or penitentiary for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county ; provided further, however, that the provisions of the act to which this is a further supplement shall apply to any county not having a county workhouse or penitentiary.*

2. *And be it enacted, That all acts and parts of acts so far as the same may conflict with the provisions of this act, be and the same are hereby repealed.*

3. *And be it enacted, That this act shall take effect immediately.*

Approved March 4, 1880.

## CHAPTER XCI.

A Supplement to an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one, four and six of the act to which this is a supplement, which reads as follows :

Section to be amended rectified.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote for and determine the amount of money to be raised by tax for a fire appropriation ; *provided, however, that the number of inhabitants in such township shall be not less than three thousand*

five hundred, as ascertained by the last census preceding such vote and determination, taken under the authority of the United States or of this state," be amended so it shall read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote and determine an amount of money to be raised by tax for a fire appropriation. Section as amended.  
Legal voters to determine amount of money to be raised.

"4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient; *provided*, that the provisions of this act shall not apply to counties in this state having by the last census a population of less than one hundred thousand inhabitants; *provided*, that this act shall not be construed to abolish or in any manner affect any fire company heretofore incorporated under the laws of this state," be amended so it shall read as follows : Section to be amended recited.

4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient; *provided*, that this act shall not be construed to abolish or in any manner affect any fire company heretofore incorporated under the laws of this state. Section as amended.  
Rules and regulations.  
Proviso.

" 6. *And be it enacted*, That the legal voters of a district so organized shall meet annually on the second Thursday Section to be amended recited .

of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year and elect a board of five directors, who, when elected, shall possess within said district all the rights and powers of the township committee under this act," be amended so it shall read as follows:

Section as amended.

Election of directors, &c.

6. *And be it enacted*, That the legal voters of a district so organized shall meet annually on the second Saturday of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year and elect a board of five directors, who, when elected, shall possess within said district all the rights and powers of the township committee under this act.

Repealer

2. *And be it enacted*, That all acts and parts of acts consistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCII.

An Act to amend an act entitled "An act authorizing the counties of this state to renew matured and maturing bonds," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act authorizing the counties of this state to renew matured and maturing bonds," approved March fourteenth, one thousand eight hundred and seventy-nine, which now reads as follows:

Section to be amended recited.

"1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of the act, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may



renew seventy-five per centum of such indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding ten years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall have coupons attached for every year's interest until due, and which coupons shall be signed by the director of said board and attested by the clerk thereof, and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this act shall be numbered and a register of such numbers, and the date of issuing, and the time of payment shall be made by the county collector or clerk of the said board of chosen freeholders, in a book to be provided for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor shall it be held to interfere with or affect the renewal of bonds renewed by virtue of the provisions of any special act heretofore passed," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any

Section as amended.

Ninety per cent of indebtedness may be renewed by issuing bonds.

Rate of interest.

Not to be sold at  
less than par  
value.

May not issue  
bonds in certain  
cases.

less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at any time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and the said bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and the said coupons shall be signed by the collector of said county and numbered to correspond with the bond to which they shall be respectively attached; and when the said board of freeholders judge best, said bonds, or any of them may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and may be issued without coupons, and be transferable to any person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register containing the number, denomination, date of issuing, and name of the person to whom issued, if registered, and time of maturity, shall be made by the collector, in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be sold for less than the par value; and all the real estate and personal property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but no person in this act contained shall be held to permit any person to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or reissue bonds held by any person in any court not to have been legally issued.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.



## CHAPTER XCIII.

A Supplement to "An act to authorize cities to issue bonds to fund obligations incurred for street improvements," approved March ninth, one thousand eight hundred and seventy-seven, extending the provisions thereof to incorporated townships and boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of paying <sup>Authorized to issue bonds to pay certificates of indebtedness, costs and expenses of street improvements, judgments, &c.</sup> certificates of indebtedness which have been duly issued by any incorporated township or borough in this state, for street improvements, in anticipation of the collection of the assessments therefor, or for the costs and expenses of making street improvements which can not be assessed on lands specially benefitted by such improvement or improvements, and for the payment of judgments against such township or borough and for the costs, damages, interest and expenses incurred in and on account of such improvements, it shall be lawful for the board of township committee, or other governing body of said township or borough to issue either the registered or coupon bonds of such township, to be styled "township or borough of <sup>improvement bonds,</sup>" to such an amount as such board or governing body shall by ordinance determine, not, however, to exceed in the aggregate the amount of outstanding and unpaid certificates of indebtedness, judgments, costs, interest and expenses against such township or borough for such street improvements, such bonds shall be sealed with the corporate seal of such township or borough, signed by the chairman of said board of township committee, or governing body, and countersigned and registered by the clerk thereof, and made payable in not less than three nor more than ten years from the date thereof, and shall bear interest at six per centum per annum, pay- <sup>Rate of interest.</sup>

*Proviso.*

able semi-annually; *provided, however*, that no note or certificate of indebtedness, the validity of which against such township is now in question in any of the courts of this state, nor the amount thereof, nor any portion of the same shall be included in the estimate of indebtedness of such township, nor shall any bond be issued or to raise money to pay the same or any part thereof.

Bonds not to be sold at less than par, and proceeds of sale how applied.

2. *And be it enacted*, That the bonds authorized by section one of this supplementary act shall be negotiated and sold at public or private sale at not less than the face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the retirement, payment and cancellation of the bonds, judgments, costs, interest and expenses mentioned in section one of this supplementary act, and to any other purpose whatever.

Moneys collected for assessments for street improvements pledged to payment of bonds.

3. *And be it enacted*, That all moneys collected and received as principal and interest for and on account of assessments for any street improvements for which bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; and all sums of money or balance over and above the amount necessary to pay the interest and principal of said bonds, at maturity aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely invested in some readily convertible securities and applied to the payment of said bonds when the same shall become due and payable.

Committees to fix and determine annually money necessary to be raised by taxation to pay interest and principal.

4. *And be it enacted*, That it shall be the duty of the township committee or other governing body of such township or borough, and such committee or other governing body of said township or borough is hereby authorized and empowered by resolution to fix and determine annually on or before the second Tuesday in March of each year, how much money is necessary to be raised by taxation, to pay the interest on such bonds, and the principal of such bonds as fall due within one year after the time of adopting such resolution, and to order the sum to be assessed and collected for the purpose aforesaid; a copy of which resolution shall be served on the township clerk on the township assessor of such township.

and thereupon the sum so ordered to be raised shall be assessed upon all the ratables and taxable property in such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due on said bonds and to no other purpose. Money raised by taxation how applied.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCIV.

Supplement to "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships in this state in which overseers of the highways are elected at the annual town meetings, each person qualified to vote at town meetings shall, at their respective annual meetings hereafter to be held, vote but for one person to be overseer of the highways, in the road district in which such voter resides, which overseer of the highways shall be a resident of the road district for which he is elected. Election of overseers of roads.

2. *And be it enacted*, That in case of a vacancy in any of said road districts, by a tie vote, failure to elect, or from any other cause whatever, the township committee shall, within five days after said annual town meeting or such vacancy occurring, appoint some suitable person, who shall be a resident of the road district wherein said vacancy occurs, to fill such vacancy until next annual town meeting. Township committee authorized to fill vacancies.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCV.

An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption.

Penalty for ill-treating, abusing minors or neglecting to supply same with sufficient food, clothing, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person whatsoever who shall cruelly ill-treat, abuse, or inflict unnecessary cruel punishment upon any infant or minor child, and any person having the care, custody, or control of any minor child who shall willfully neglect to supply the same with sufficient food, clothing, regular school education, or who shall willfully abandon or neglect the same, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate, or court of record not less than ten dollars nor more than fifty dollars for each offence.

Unlawful for custodians of children under 15 years to sell, give away, or employ them in certain occupations.

2. *And be it enacted*, That any person having the care, custody, or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away, or otherwise dispose of such child, and any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist, or rider, and any person having the care, custody, or control of any minor child whatsoever who shall sell, apprentice, give away, or otherwise dispose of such child, or who shall take, receive, or employ such child for any obscene, indecent, or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor, or employ any

nor child in or about any assignation house or brothel, in any place where any obscene, indecent, or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate, or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offence. Penalty.

3. *And be it enacted*, That any person having the care, custody, or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire, or otherwise dispose of such minor to any person for the purpose of singing, playing on a musical instrument, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this state, and whosoever shall take, receive, hire, employ, use, or have in custody any such minor for the vocation, occupation, calling, service, or purpose of singing, playing upon musical instruments, or begging upon the streets, roads, or other highways of the state, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars. Unlawful for custodians of children under 18 years to let out, hire, or employ them in certain occupations. Penalty.

4. *And be it enacted*, That any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or permit such child to sing, dance, act, or in any manner exhibit in any dance house whatever, or in any concert saloon, theatre, or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance, and any proprietor of any dance-house whatever, or any such concert saloon, theatre, or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars for each offence. Unlawful for custodians of children under 15 years to permit or employ them in certain occupations. Penalty.

Unlawful for custodians of children under 18 years to permit or employ them in certain occupations.

Penalty.

Offenders for violating this act may be arrested upon warrant.

Orphans' court may appoint guardians for minors or place them in asylums.

Court may order parent to pay for maintenance.

5. *And be it enacted*, That any person who shall take, receive, hire, or employ any child under twelve years of age in any underground works or mine or like place whatsoever, shall be guilty of a misdemeanor, and upon conviction thereof in the manner provided in the first section of this act, shall be fined not less than ten dollars nor more than fifty dollars.

6. *And be it enacted*, That whenever any person shall, before a magistrate or justice of the peace, make oath or affirmation that the affiant believes that this act has been or is being violated in any place or house, such justice or magistrate shall forthwith issue a warrant to a constable or other authorized officer to enter such place or house and investigate the same, and such person may arrest or cause to be arrested all offenders and bring them before any justice, magistrate or court of record for a hearing of the case; and it shall be the duty of all constables and policemen to aid in bringing all such offenders before said authorities for a hearing.

7. *And be it enacted*, That whenever any person having the custody or control of any minor shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the orphans' court of the county wherein the offence has been committed for the appointment of a proper guardian for the person of such minor, and the said court may in its discretion make any such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person, as may be most expedient; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as the said court may see fit; and such courts may at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal



engagements already entered into on behalf of said minor by his or her guardian.

8. *And be it enacted*, That any duly organized or incorporated humane society, having for one of its objects the protection of children from cruelty, may offer any agents or officers employed by them to the mayor of any city for the purpose of being commissioned to act as police officers through the limits of said city, for the purpose of arresting all the offenders against this act or any of the provisions thereof, whereupon the mayor in such city shall, if such persons are proper and discreet persons, commission them to act as such police officers, with all the rights and powers appertaining thereto; but no such city shall be liable in any way for the salary or wages of such officers, or for any expense whatever in relation thereto, except for the detention of prisoners; and in district or township not incorporated such humane society may offer similarly qualified persons to the court of common pleas of the county, whereupon such court, or any judge thereof, shall, if they be fit persons, commission such persons to act as constables, with power to arrest all offenders against this act or any provisions thereof; but no township, borough or county shall be in anywise liable for the salary or wages of any such officer, or for any expense in relation thereto, except for the detention of prisoners; all persons thus qualified under this section shall be deemed to be constables and authorized officers within the meaning of section six of this act, and the keepers of jails or lock-ups or station-houses in any of said counties are required to receive all persons arrested by such policemen or constables.

Officers and agents of humane societies may act as police officers and constables.

City or township not liable for salary of officers, &c.

9. *And be it enacted*, That whenever any person having the custody or control of any minor child shall be convicted of an assault and battery upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate, or court before whom such conviction has taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court to commit such child to the care and custody of any duly authorized or incorporated humane society within this state having for one of its objects the protection of children from

Children may be committed to care of any humane society.

cruelty, and such society shall thereupon have all the rights of a guardian of the person of such child ; but such society may at any time apply to the orphans' court of the proper county for the appointment of a guardian of the person or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

Persons may adopt children who have been deserted by their parents.

10. *And be it enacted*, That whenever it shall be made to appear to the satisfaction of the court of common pleas of any county that any minor child has been deserted by its parents or surviving parent, and that it has no legal guardian, it shall be lawful for any person desirous of adopting the said child to adopt the same in the manner now provided by law in the case of the death of the parents.

Failure to pay fine a penalty, offender to be committed to county prison.

11. *And be it enacted*, That in default of payment of the fine or penalty imposed under any of the sections of this act, together with the costs of the proceedings, then the said justice of the peace, magistrate, or court of record shall commit said offender to the county prison, there to remain for not less than twenty nor more than ninety days, or until discharged by due course of law ; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his entering bail in the nature of a recognizance in the usual manner for his appearance at said court, when the offence shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor ; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

If parents or guardians of any infant have been convicted or are dead, child may be committed to

12. *And be it enacted*, That whenever the parents or proper guardian of any infant unable to support itself have been convicted of any of the offences enumerated in



this act, or are dead, or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found may commit such child to the care and custody of the guardians of the poor of the said county; but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 4, 1880.

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## CHAPTER XCVIII.

An Act relating to the distribution of the Revised Statutes and Stewart's New Jersey Digest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to furnish one copy of the Revised Statutes of New Jersey, and one copy of Stewart's New Jersey Digest to each of the members and officers of the present legislature, and that all acts and parts of acts conflicting with this act, be and the same are hereby repealed.

Members and officers of legislature to be furnished with revised statutes and Stewart's digest.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1880.

## CHAPTER XCIX.

An Act to repeal an act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 10, 1880.

## CHAPTER C.

An Act relative to the management of water works in certain cities of this state.

Commissioners authorized to pay to sinking fund such sum only as will be sufficient for payment of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any city of this state, in which water works are owned by the city and managed by a board of water commissioners, and said water commissioners are now required by law, after providing for the payment of the semi-annual interest on the "water loan" of such city, to pay over to the commissioner of the sinking fund of the city the surplus of the net rents and revenue of the water works, to accumulate as a sinking fund for the payment of said "water loan" at maturity, it shall be lawful for said commissioners,

and they are hereby authorized, at their discretion, to pay to the commissioner of the sinking fund entitled to receive the same, at the several times now provided by law, such sum only out of the net rents and revenue of said water works as upon a fair estimate, to be made by said sinking fund commissioner, may be deemed by him sufficient to provide for the payment of all the bonds constituting the "water loan" of said city as they severally fall due.

2. *And be it enacted*, That it shall be lawful for the water commissioners of any such city above mentioned, after providing for the payment of the interest on the "water loan" and making the payments to the sinking fund for the redemption of said loan at maturity, as provided in the preceding section of this act, to appropriate and use the balance of the net rents and revenue of the water works, or such part thereof as they may deem necessary or expedient, to and for the extension and improvement of the pipes, mains and water works.

Balance of rents and revenue may be expended for extension and improvement of pipes, mains and water works.

3. *And be it enacted*, That all acts and parts of acts, whether general, local or special, inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CI.

An Act to regulate the selection of grand and petit jurors in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter regularly licensed and practicing physicians in this state shall be exempt from liability to be drawn upon any panel of grand or petit jurors returned to any court in this state.

Physicians exempt from jury duty.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CII.

An Act relating to fees of police magistrates and police officers in cities.

Special police  
justices to receive  
and be allowed  
same fees as jus-  
tices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any special police justice or magistrate in any city of this state, is now, or may hereafter be authorized and empowered to use and exercise the like power, authority and jurisdiction in criminal matters, and complaints arising in any such city, as justices of the peace in and for the several counties are or may be entitled to use and exercise, the said special police justice and police magistrate shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to justices of the peace.

Police officers al-  
lowed the same  
fees as constables.

2. *And be it enacted*, That whenever any police officer of any city of this state now has and possesses, or may hereafter have and possess all the powers of constables within the limits of any such city, the said police officer shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to constables of the several counties; and the fees referred to in this and the preceding section shall be paid in the same manner, and under the same regulations as now provided for the collection of justices and constable's fees; *provided, however*, that in all cases where such police justices and policemen of any city of this state receive a fixed daily or annual compensation for their services from the city of which they are officers, the fees collected under this act shall be paid to the treasurer of such city.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 10, 1880.

### CHAPTER CIII.

An Act for the adjustment and payment of damages to owners of property caused by the alteration in grade of streets in any city of this state where the office of commissioners of streets and sewers exists.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where damage has been or may hereafter be done to any property on the line of any street in any city of this state by alteration in the grade of such street, by order of any board of commissioners of streets and sewers of such city, it shall be lawful for the said board of commissioners of streets and sewers to ascertain and determine the amount of such damages, and upon such determination to deliver a certificate thereof to the said owner or owners thereof, and upon presentation of such certificate to the common council of said city it shall be the duty of said common council to include the amount thereof in the statement of moneys to be raised by tax for the use of such city next after the time of such presentation; and such moneys shall be collected as other moneys are collected by tax, and shall be paid to the holder of such certificate by the treasurer or other disbursing officer of said city out of the moneys so collected.

Commissioners to determine amount of damages done to property by alteration of grade of any street and deliver certificate to owner or owners.

Money to be collected by tax, and to be paid to holder of certificate.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CIV.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, anno domini one thousand eight hundred and forty-six.

Unlawful to carry away oysters of certain size.

Penalty.

Proviso.

Fish wardens may arrest offenders with or without process.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to take out of and carry away from, or to take with intent of carrying away from, the waters of Ocean, Burlington and Atlantic counties, considered as a unit, in this state any oysters, unless said oysters shall be of such size that a bushel will contain no more than three hundred, and any person or persons who shall take out of and carry away from, or who shall take with intent to carry away from said waters, any oysters requiring more than three hundred to make a bushel, shall be deemed guilty of a misdemeanor, and on conviction thereof in any county of this state, shall be punished by imprisonment in the common jail of the county where such conviction is had, for a term not less than ten nor more than thirty days, or by a fine not less than ten nor more than one hundred dollars, for each and every offense, together with costs of conviction; three-quarters of said fine to be paid to the county collector of said county where such conviction is had, for the use of the county, and one-quarter of said fine to be paid to any person who may furnish material evidence toward the conviction of any such offender or offenders; *provided*, that this act shall not apply to persons now controlling beds under any grant or lease from this state, as to taking oysters from said beds.

2. *And be it enacted*, That it shall be the duty of the fish commissioners of this state and their successors, in addition to their present duties, to instruct and direct the

engagements already entered into on behalf of said minor by his or her guardian.

8. *And be it enacted*, That any duly organized or incorporated humane society, having for one of its objects the protection of children from cruelty, may offer any agents or officers employed by them to the mayor of any city for the purpose of being commissioned to act as police officers through the limits of said city, for the purpose of arresting all the offenders against this act or any of the provisions thereof, whereupon the mayor in such city shall, if such persons are proper and discreet persons, commission them to act as such police officers, with all the rights and powers appertaining thereto; but no such city shall be liable in any way for the salary or wages of such officers, or for any expense whatever in relation thereto, except for the detention of prisoners; and in district or township not incorporated such humane society may offer similarly qualified persons to the court of common pleas of the county, whereupon such court, or any judge thereof, shall, if they be fit persons, commission such persons to act as constables, with power to arrest all offenders against this act or any provisions thereof; but no township, borough or county shall be in anywise liable for the salary or wages of any such officer, or for any expense in relation thereto, except for the detention of prisoners; all persons thus qualified under this section shall be deemed to be constables and authorized officers within the meaning of section six of this act, and the keepers of jails or lock-ups or station-houses in any of said counties are required to receive all persons arrested by such policemen or constables.

Officers and agents of humane societies may act as police officers and constables.

City or township not liable for salary of officers, &c.

9. *And be it enacted*, That whenever any person having the custody or control of any minor child shall be convicted of an assault and battery upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate, or court before whom such conviction has taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court to commit such child to the care and custody of any duly authorized or incorporated humane society within this state having for one of its objects the protection of children from

Children may be committed to care of any humane society.

cruelty, and such society shall thereupon have all the rights of a guardian of the person of such child ; but such society may at any time apply to the orphans' court of the proper county for the appointment of a guardian of the person or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

Persons may adopt children who have been deserted by their parents.

10. *And be it enacted*, That whenever it shall be made to appear to the satisfaction of the court of common pleas of any county that any minor child has been deserted by its parents or surviving parent, and that it has no legal guardian, it shall be lawful for any person desirous of adopting the said child to adopt the same in the manner now provided by law in the case of the death of the parents.

Failure to pay fine a penalty, offender to be committed to county prison.

Provided.

11. *And be it enacted*, That in default of payment of the fine or penalty imposed under any of the sections of this act, together with the costs of the proceedings, then the said justice of the peace, magistrate, or court of record shall commit said offender to the county prison, there to remain for not less than twenty nor more than ninety days, or until discharged by due course of law ; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his entering bail in the nature of a recognizance in the usual manner for his appearance at said court, when the offence shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor ; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

If parents or guardians of any infant have been convicted or are dead, child may be committed to

12. *And be it enacted*, That whenever the parents or proper guardian of any infant unable to support itself have been convicted of any of the offences enumerated in



this act, or are dead, or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found may commit such child to the care and custody of the guardians of the poor of the said county; but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCVIII.

An Act relating to the distribution of the Revised Statutes and Stewart's New Jersey Digest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to furnish one copy of the Revised Statutes of New Jersey, and one copy of Stewart's New Jersey Digest to each of the members and officers of the present legislature, and that all acts and parts of acts conflicting with this act, be and the same are hereby repealed.

Members and officers of legislature to be furnished with revised statutes and Stewart's digest.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1880.

## CHAPTER \*XCIX.

An Act to repeal an act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 10, 1880.

## CHAPTER C.

An Act relative to the management of water works in certain cities of this state.

Commissioners authorized to pay to sinking fund such sum only as will be sufficient for payment of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any city or town in this state, in which water works are owned by the city or town, and managed by a board of water commissioners, and where water commissioners are now required by law, after providing for the payment of the semi-annual interest on the "water loan" of such city, to pay over to the commissioner of the sinking fund of the city the surplus net rents and revenue of the water works, to accumulate as a sinking fund for the payment of said "water loan" at maturity, it shall be lawful for said commiss-

and they are hereby authorized, at their discretion, to pay to the commissioner of the sinking fund entitled to receive the same, at the several times now provided by law, such sum only out of the net rents and revenue of said water works as upon a fair estimate, to be made by said sinking fund commissioner, may be deemed by him sufficient to provide for the payment of all the bonds constituting the "water loan" of said city as they severally fall due.

2. *And be it enacted*, That it shall be lawful for the water commissioners of any such city above mentioned, after providing for the payment of the interest on the "water loan" and making the payments to the sinking fund for the redemption of said loan at maturity, as provided in the preceding section of this act, to appropriate and use the balance of the net rents and revenue of the water works, or such part thereof as they may deem necessary or expedient, to and for the extension and improvement of the pipes, mains and water works.

Balance of rents and revenue may be expended for extension and improvement of pipes, mains and water works.

3. *And be it enacted*, That all acts and parts of acts, whether general, local or special, inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CI.

An Act to regulate the selection of grand and petit jurors in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter regularly licensed and practicing physicians in this state shall be exempt from liability to be drawn upon any panel of grand or petit jurors returned to any court in this state.

Physicians exempt from jury duty.

less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and the said bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and the said coupons shall be signed by the collector of said county and numbered to correspond with the bond to which they shall be respectively attached; and when the said board of freeholders judge best, said bonds, or any of them may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board of freeholders, and be transferable on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of the person to whom issued, if registered, and time of maturity, shall be made by the collector, in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be sold for less than the par value; and all the real estate and personal property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but no provision in this act contained shall be held to permit any person to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or reissue bonds held by any person or court not to have been legally issued.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCIII.

A Supplement to "An act to authorize cities to issue bonds to fund obligations incurred for street improvements," approved March ninth, one thousand eight hundred and seventy-seven, extending the provisions thereof to incorporated townships and boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of paying certificates of indebtedness which have been duly issued by any incorporated township or borough in this state, for street improvements, in anticipation of the collection of the assessments therefor, or for the costs and expenses of making street improvements which can not be assessed on lands specially benefitted by such improvement or improvements, and for the payment of judgments against such township or borough and for the costs, damages, interest and expenses incurred in and on account of such improvements, it shall be lawful for the board of township committee, or other governing body of said township or borough to issue either the registered or coupon bonds of such township, to be styled "township or borough of improvement bonds," to such an amount as such board or governing body shall by ordinance determine, not, however, to exceed in the aggregate the amount of outstanding and unpaid certificates of indebtedness, judgments, costs, interest and expenses against such township or borough for such street improvements, such bonds shall be sealed with the corporate seal of such township or borough, signed by the chairman of said board of township committee, or governing body, and countersigned and registered by the clerk thereof, and made payable in not less than three nor more than ten years from the date thereof, and shall bear interest at six per centum per annum, pay- Authorized to issue bonds to pay certificates of indebtedness, costs and expenses of street improvements, judgments, &c. Rate of Interest.

Proviso.

Bonds not to be sold at less than par, and proceeds of sale how applied.

Moneys collected for assessments for street improvements pledged to payment of bonds.

Committees to fix and determine annually money necessary to be raised by taxation to pay interest and principal.

able semi-annually ; *provided, however*, that no note or certificate of indebtedness, the validity of which against such township is now in question in any of the courts of this state, nor the amount thereof, nor any portion thereof, shall be included in the estimate of indebtedness of such township, nor shall any bond be issued or to raise money to pay the same or any part thereof.

2. *And be it enacted*, That the bonds authorized by section one of this supplementary act shall be negotiated at public or private sale at not less than the face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the retirement, payment and cancellation of the bonds, judgments, costs, interest and expenses mentioned in section one of this supplementary act, and to any other purpose whatever.

3. *And be it enacted*, That all moneys collected for assessments received as principal and interest for and on account of assessments for any street improvements for which bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued ; and all sums of money or balance over and above the amount necessary to pay the interest and principal of said bonds, at maturity aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely invested in some readily convertible securities and applied to the payment of said bonds when the same shall become due and payable.

4. *And be it enacted*, That it shall be the duty of the township committee or other governing body of such township or borough, and such committee or other governing body of said township or borough is hereby authorized and empowered by resolution to fix and determine annually on or before the second Tuesday in January of each year, how much money is necessary to be raised by taxation, to pay the interest on such bonds, and the principal of such bonds as fall due within one year after the time of adopting such resolution, and to order a sum to be assessed and collected for the purpose aforesaid ; a copy of which resolution shall be served on the township clerk on the township assessor of such township.

and thereupon the sum so ordered to be raised shall be assessed upon all the ratables and taxable property in such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due <sup>Money raised by taxation how applied.</sup> and said bonds and to no other purpose.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

## CHAPTER XCIV.

Supplement to "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships in this state in which overseers of the highways are elected at the annual town meetings, each person qualified to vote at town meetings shall, at their respective annual meetings hereafter to be held, vote but for one person to be overseer of the highways, in the road district in which such voter resides, which overseer of the highways shall be a resident of the road district for which he is elected. <sup>Election of overseers of roads.</sup>

2. *And be it enacted*, That in case of a vacancy in any of said road districts, by a tie vote, failure to elect, or from any other cause whatever, the township committee shall, within five days after said annual town meeting or such vacancy occurring, appoint some suitable person, who shall be a resident of the road district wherein said vacancy occurs, to fill such vacancy until next annual town meeting. <sup>Township committee authorized to fill vacancies.</sup>

bureaux and officers a full exhibit of their business, and a statement of account in writing of any and all moneys or property of the said city within the control or in the hands of said departments, bureaux and officers; and said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to city council, and in order that he may fulfill his duties and make complete audits of accounts, he shall have power whenever he may see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purpose aforesaid; the said comptroller shall also be authorized, whenever in his judgment the interest of the city for which he is elected such officer shall require, to examine under oath any person presenting a bill or claim against said city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all the facts relating to said claim, which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the city's liability therefor; *provided, however*, that this act shall not apply in any of its provisions to any city of this state which now has any comptroller under any special charter or the supplements thereto, or any officer whose duties correspond to those enumerated in this act.

Proviso.

When unlawful  
to sign warrants  
or procure pay-  
ment of money.

5. *And be it enacted*, That it shall be a misdemeanor for the comptroller to sign any warrant or order, or otherwise to procure the payment of any money by the city for which he is said officer, not authorized by law.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.



## CHAPTER CXIII.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons heretofore laid or imposed and now remaining unpaid, together with interest thereon at seven per cent. per annum, to be calculated from the time such tax or assessment was imposed to the time of such payment, and the collector of taxes or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over six per cent. upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be

Unpaid taxes or assessments upon real property with interest may be paid to collector of taxes.

Collector authorized to receive payment and to cancel record, and tax or assessments to cease to be a lien, &c.

Provided.

released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *provided*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXIV.

A Further Supplement to the act entitled "An act for the settlement of the poor" (Revision), approved March twenty-second, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the act to which this is a supplement, which reads as follows:

Section to be amended recited.

"31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required; who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him at such time and place as he shall appoint; and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation, relating to his, her or their last place of legal settlement, which settlement shall be proved before said justice by the affidavit of at least one reputable freeholder, resident in the township or ward which the said

poor person or persons claim as his, her or their place of residence and settlement; and the said overseer or overseers are hereby authorized and required to take out, in the name of said justice, and serve process of subpoena when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with the affidavit and a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be, and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, that if it shall appear, on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy or evidence such removal shall not be deemed legal," be so amended as to read as follows:

31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons

Section as amended.

Upon application for relief justices of peace are empowered to issue warrant to bring applicant before him to determine place of legal settlement.

Justice to determine legal settlement and may order removal to poor-house.

Proviso.

within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required, who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him, at such time and place as he shall appoint, and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation relating to his, her or their last place of legal settlement; and the said overseer or overseers are hereby authorized and required to take out in the name of said justice and serve process of subpoena, when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, if any there be, shall adjudge and determine the legal settlement of such poor person; and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal, commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer or overseers shall take and deliver with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be; and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, if it shall appear on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section

of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy of evidence such removal shall not be deemed legal.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXV.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, making the same a first lien on real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, within any incorporate city, village, borough, or other municipality of this state, against any person or persons or corporations for or on account of any lands, tenements, hereditaments or real estate, situate, lying and being in such city, village, borough or other municipality, together with lawful interest thereon accruing and all costs, fees, charges and expenses, in relation to the levy, assessment and collection of said taxes, shall be, become and remain from and after the date of such levy and assessment, a full and complete, first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for and during the period now provided for in the act of incorporation or any supplement thereto or revision of the same, of any such city, village, borough, or other municipality as aforesaid; and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every

Unpaid taxes to be and remain a first lien on lands

Mortgages, incumbrances, &c., to be subject and subservient to taxes, &c.

kind and nature, of, in, upon or against such lands, tenements, hereditaments, or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interest, costs, fees, charges and expenses; *provided, however,* that nothing herein contained shall be construed to apply to any township in this state, or to conflict with any laws regulating the assessment and collection of taxes in said townships.

Proviso.

Repealer.

2. *And be it enacted,* That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXVI.

### An Act in relation to cities.

When any city is unable to raise and pay annual charge upon indebtedness common council may offer terms of settlement to creditors, and to issue bonds to such amount as they may deem necessary.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That whenever any city in this state shall be unable, in the judgment of the city council or other legislative body thereof, to raise and pay the annual charge upon the municipal indebtedness of such city, which judgment shall be expressed by the resolution of such city council or other legislative body, by the votes of three-fourths of the members thereof, it shall then be lawful for the said city council or other legislative body to offer such terms of settlement to the creditors of such city as such city council or other legislative body shall deem such city so indebted may be able to meet and carry out, and to issue bonds of such city for such an amount as they may deem necessary to carry out the terms of a settlement, in the manner hereinafter provided; said bonds shall be issued by ordinance of the city council or other legislative body of such city passed by the votes of three-fourths of the members thereof, and

said bonds shall be applicable to the purposes of the arrangement and settlement of the indebtedness of any such city with the creditors thereof, and for no other purpose, except as hereinafter provided; and the ordinance for the issue of said bonds shall be passed in like manner and in accordance with the same forms of law as all other ordinances for the issue of bonds heretofore passed in such city or cities; said bonds may be either coupon or registered, and exchangeable, the one class for the other, at the option of the holder, and all said bonds so issued, shall be entitled and designated adjustment bonds of the city by which the same may be issued; *provided, however,* in no case shall such bonds be issued Provido. until the city council or other legislative body in said city or cities shall have determined by resolution the amount or percentage of existing indebtedness for which said adjustment bonds shall be issued, and as soon as the city council or other legislative body shall have determined upon the amount and character of the settlement they shall deem such city or cities as aforesaid may be able to make and carry out, it shall be the duty of said city council or other legislative body to submit such terms of settlement to the legal voters of such city or cities, in order to give undisputed validity to such issue of adjustment bonds by the endorsement of the same by a majority of the voters and taxpayers, should such terms of settlement as may be offered be agreed to.

2. *And be it enacted,* That the manner of acceptance or rejection of such terms of settlement by the legal voters of such city or cities shall be as follows: the said city council or other legislative body shall give thirty days' notice, by publication in the daily and weekly papers of such city or cities, of a special election for that purpose; the polls shall be held at such places as the city council or other legislative body may determine, and the election shall be carried out in the same manner as provided for other municipal elections, and under the same laws, except as to the time of holding the same, which shall be fixed by the said council or other legislative body, and also except that but one day of registration of voters shall be required, which said day of registration shall be not more than four days before the day fixed for

Legal voters of city to determine the acceptance or rejection of terms of settlement.

the said election; and the ballots cast at such election shall be as follows, to determine the will of the people: in favor of the settlement of the debt as proposed, or, against the settlement of the debt as proposed, as the voter may determine.

If settlement is agreed to, adjustment bonds to be issued.

Rate of interest.

Bonds issued may be exchanged for legal indebtedness.

Bonds may be issued to cover cost and expense of making exchange.

Proviso.

Interest on bonds to be raised by taxation.

3. *And be it enacted*, That whenever such settlement shall be agreed to in any city of this state as hereinbefore provided, the adjustment bonds authorized by this act shall be issued in the manner provided for the issue of bonds in such city or cities, and such bond shall bear a rate of interest to be fixed in the terms of settlement, not, however, greater than four per centum per annum, and shall be payable at such time or times as may be designated, not however, less than twenty years from the date of issue; but the said bonds may be made redeemable by such city or cities at any time after five years from the date of the issue of the same.

4. *And be it enacted*, That it shall be lawful for such city or cities, through the finance department thereof, to exchange such bonds so issued for any legal evidence of indebtedness of such city, held by any creditor thereof with whom such finance department may agree for that purpose, in accordance with the terms of settlement which may be authorized and adopted in pursuance to the provisions of this act, and such city or cities may by a majority vote of its finance board, and by a three-fourths vote of its city council or other legislative body, issue an amount of adjustment bonds in the manner authorized by the foregoing provisions of this act sufficient to cover the cost and expense of making the exchange as aforesaid; *provided*, the amount of bonds so issued shall not exceed one percentum of the amount of such bonds so exchanged, but no money shall be paid for commission except in cases where the city authorities shall be absolutely unable to make settlement as intended by the provisions of this act.

5. *And be it enacted*, That the annual interest on the aforesaid adjustment bonds shall be raised by taxation, by the proper authorities of any such city, which may be authorized by law to raise money by taxation, and such interest, together with any sum of principal which shall be raised by taxation by such authority, shall be



paid by the proper authorities on such bonds for interest or redemption before the interest on any bonds or other evidences of indebtedness of such city in existence at the time of the issue of the bonds authorized by this act, except indebtedness incurred for current expenses.

6. *And be it enacted*, That all sums which shall be raised by any such city for the purpose of application to the payment of the bonds authorized by this act, shall be held as a sinking fund by the proper officers of said city, and shall be applied from time to time to the reduction of the debt only by the redemption of said bonds, and said bonds shall in all cases be purchased at the market price, if below par in value; such bonds so purchased shall not again be issued, but shall as soon as possible be cancelled, in the presence of the mayor, sinking fund commissioners, if any there be, and finance committee of the governing body of said city, or a majority of them.

Money raised for payment of bonds to be held as a sinking fund.

Bonds purchased to be cancelled.

7. *And be it enacted*, That all revenues raised by any such city for licenses of any character whatever, and also all unexpended balances of the annual tax levy made for current expenses, which may remain unused at the end of each fiscal year, shall be used by the sinking fund commissioners for the purchase of any outstanding bonds or other evidences of indebtedness, at the market price, not above par; *provided however*, that such sums received from license fees and unexpended balances, as aforesaid, shall be applied to the purchase and redemption of any portion of the indebtedness of any such city, now outstanding, which may not be included in the settlement contemplated by this act, and whenever all such indebtedness shall have been purchased or redeemed on behalf of such city, by the proper officers thereof, or exchanged under the terms of the settlement provided for in this act, then, and in such case the said unexpended balances and license fees, when received, shall be turned into the sinking fund, which is made applicable to meet the principal of the adjustment bonds which may be issued under the foregoing provisions of this act.

Revenues from licenses and unexpended balance to be used for the purchase of outstanding bonds and other indebtedness.

Proviso.

8. *And be it enacted*, That all acts and parts of acts, inconsistent or in anywise in conflict with this act, be and the same are hereby repealed, and that this act shall be

Repealer.

deemed a public act, and that it shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXVII.

A Supplement to an act entitled "An act respecting conveyances" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Instruments of writing heretofore made to have force and effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every instrument of writing heretofore made purporting to convey any interest in lands, tenements, hereditaments or real estate, either absolutely or by way of trust or mortgage, to which the grantor, bargainor or feoffor shall have affixed a scroll or ink or other device by way of a seal, shall be taken and adjudged to be of the same force and effect as if it had been actually sealed with wax.

Instruments of writing executed and delivered since a certain time declared valid.

2. *And be it enacted*, That all instruments of writing answering the description contained in the first section of this act, executed and delivered since the sixth day of April, one thousand eight hundred and seventy-five, shall be held to be as good and valid to all intents and purposes, in all courts and places, as if they had been sealed with wax, and no title depending on or purporting to be conveyed or transferred by any such instrument shall be impeached or questioned for lack of a wax seal; *provided*, that all the other requirements of the law respecting conveyances have been complied with.

Proviso,

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXVIII.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of the public schools, elected in each school district in this state, shall meet for the transaction of business connected with the public schools in their respective districts, on the first Tuesday after the first Monday in March, June, September and December, or oftener if the business of the board require it. Trustees of public school when to meet.

2. *And be it enacted*, That all bills and demands for money expended for school purposes, and all contracts entered into, shall be presented and passed on in open session of the board of school trustees, and no bills or demands for money on that account shall be paid which have not been thus passed on and approved. Bills and demands to be presented and passed on in open session.

3. *And be it enacted*, That it shall be unlawful for any board of school trustees or board of education of this state, to pay or disburse, out of the school moneys under their control, any sum for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing or improving school buildings and grounds, and janitors' salaries, unless the person claiming or receiving the said moneys shall first present to the board of trustees or boards of education a detailed bill of items or demand, specifying particularly how such bill or demand is made up, and the dates thereof, and the names of the persons to whom the amount composing such bill or demand is due; *provided*, that the district clerk, as he may be authorized by the board of trustees, is empowered to purchase for the school or schools under their control, such supplies as may be necessary, and shall present an Unlawful for trustees to pay any bills or demands unless the same are itemized. Proviso.

itemized bill of the same, with affidavit attached, which shall be acted on and paid as other bills; and said itemized bill shall be considered as satisfying all the provisions of this act.

**Affidavit to be made to all bills.**

4. *And be it enacted*, That any person or persons presenting any such bill or demand, shall make an affidavit that the goods or services, itemized in said bill or demand, have been delivered or rendered, that no bonus has been given or received by any person or persons with the knowledge of the deponent in connection with the claim, and that the same is correct and true; *provided*, that the clerk of any board of trustees or board of education is hereby authorized to take such affidavit without cost.

**Proviso.**

**Penalty for willfully violating this act.**

5. *And be it enacted*, That any board of school trustees or board of education, who shall wilfully violate the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not to exceed one hundred dollars, or as the court may direct.

6. *And be it enacted*, That this shall be deemed a public act and shall take effect immediately.

Approved March 10, 1880.

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## CHAPTER CXIX.

A Further Supplement to the act entitled "An act for the limitation of actions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

**Actions to obtain possession of lands to be instituted and brought before a certain time.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all actions to obtain possession of lands (where the right to such action accrued by virtue of a deed taken prior to the fourth day of July, in the year of our Lord one thousand eight hundred

and eighty, in good faith, and for a valuable consideration, and without notice of a prior deed given by the same grantor, which prior deed shall have been recorded, although not until more than fifteen days after the delivery thereof), shall be instituted and brought on or before the fourth day of July, in the year of our Lord one thousand eight hundred and eighty-two, and not after.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

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## CHAPTER CXX.

An Act concerning the assessment and collection of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes, assessed in any town, city or municipality of this state shall be assessed upon the real estate, within the corporate limits of such town, city or municipality, of non-residents as well as of residents, and the same shall be assessed and collected in the same way and manner as township, county and state taxes are now assessed and collected. Assessment and collection of taxes how made.

2. *And be it enacted*, That all acts or parts of acts, special or public, so far as they conflict with this act, be and the same are hereby repealed. Repealer.

Approved March 10, 1880.

## CHAPTER CXXI.

## An Act concerning cities.

Appropriations  
for maintenance  
and keeping in  
repairs sewers  
may be increased.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of any city in this state to increase an appropriation already made for the maintenance and keeping in repair the sewers of any such city for the present fiscal year, where such appropriation has been exhausted and the condition of the sewers of such city is detrimental to health; *provided*, such increase for the balance of this fiscal year shall not exceed one thousand dollars; and the mayor and council of such city is hereby authorized to borrow the amount of money which under this act may be appropriated for the purposes aforesaid in anticipation of taxes next thereafter to be levied and to provide for the repayment of the amount so borrowed, in the tax levy to be made next thereafter, unless the same be previously paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXXII.

## An Act in relation to roads, highways and thoroughfares.

Road board, or  
committee may  
construct any  
road, highway or  
thoroughfare  
through a tunnel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever authority has heretofore been conferred upon any public road board,

township committee or railroad corporation to lay out, excavate, construct or grade any road, highway or thoroughfare, and it shall appear to such board, committee or corporation that the public interest will be best subserved in any particular case by the construction of any section of such road, highway or thoroughfare through a tunnel, instead of through an open cut, in order to avoid interference with any established road, highway or thoroughfare, and to effect less injury to private property, then and in that case it shall be lawful for such board, committee or other corporation to construct a tunnel for any particular section of such road, highway or thoroughfare, under the same regulations as now exist in regard to the laying out and construction of roads, highways and thoroughfares by such corporations respectively, and under the same responsibility for any damage which may be done to the property of private individuals.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

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### CHAPTER CXXIII.

A Further Supplement to the act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons for or on whose account any railroad, canal, turnpike, bridge or plank road may have been purchased, as provided in the first section of the act to which this is a further supplement, shall meet within thirty days after such purchase shall have been made, at the county town of any one of the counties through which the said railroad, canal, turn-

Purchasers shall meet within thirty days after purchase.

pike, bridge or plank road may run, public notice of the time and place of such meeting having been given at least once a week for two weeks in at least one newspaper published in each of the counties in or through which the said railroad, canal, turnpike, bridge or plank road may run, or personal notice, in writing, of such time and place having been given to each of said persons for or on whose account such purchase was made, at least one week prior to the time of such meeting; and when so met shall organize said new corporation by electing a board of directors, to consist of such number as provided in the original charter of the corporation so reorganized and to continue in office for one year and until their successors shall be chosen pursuant to the by-laws of such new corporation.

2. *And be it enacted*, That at such meeting so held the said persons so met shall adopt a corporate name and seal, determine the amount of the capital stock thereof, and may make and issue certificates therefor to the persons for and on whose account such purchase was made to the amount of their respective interests therein in shares of fifty or one hundred dollars each, as said board may deem expedient.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXXIV.

### An Act relative to public printing.

Printing how executed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated



and indexed under the two heads of general public acts, special public and private acts; also the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journal of the senate and minutes of the joint meetings and executive sessions, and the minutes of the house of assembly shall be printed in the same compact and workmanlike manner in which the said work was done in the year one thousand eight hundred and seventy-two; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for said printing shall be as follows: for printing six thousand copies of the session laws, the sum of forty-two dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages, and in cases where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars per sheet of four foolscap pages for each two hundred extra copies; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages, for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated; and where matter requires two justifications, without rules, one price and a half shall be paid; and *provided further*, that seventy-five cents extra per page shall be paid for printing all indices and tables of

Senate journal,  
minutes of as-  
sembly and legis-  
lative docu-  
ments.

Public bills.

Compensation to  
be paid.

Extra copies.

Proviso.

Proviso.

contents set in bourgeois type in the session laws, journals of the senate, and minutes of the house of assembly.

Work to be completed; how done.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets; for the laws the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flatcap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia on the first day of April; and satisfactory evidence of the price of such paper within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

Paper, quality and description.

Price of paper.

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents, which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes, under the title of "legislative documents;" and no document or report shall be embraced in said volumes unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volumes of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume, in the order in which they are arranged; when any document shall be ordered to be printed more than once (at periods more than ten days apart), the printer thereof shall be entitled to charge composition as above provided for each time the docu-

Number of copies to be printed.

ment shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons employed to print the same within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary; and the persons designated to print the said minutes and journals shall finish their work and deliver it to the state treasurer within four months of the time of receiving the copy therefor, under a penalty of three hundred dollars.

Officers to furnish copy.

Work when to be finished and delivered.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively who may be empowered to execute said printing, and the sum of seventy-five dollars each shall be allowed said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to the senate journal and to the assembly minutes shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Indices and compensation therefor.

6. *And be it enacted*, That William S. Sharp, of the city of Trenton, be employed to print the report of banking and savings institutions.

Banks and savings institutions.

7. *And be it enacted*, That John L. Murphy, of the city of Trenton, be employed to print the bills of the senate and general assembly, and such other document printing

Current printing and annual reports.

bureaux and officers a full exhibit of their business, and a statement of account in writing of any and all moneys or property of the said city within the control or in the hands of said departments, bureaux and officers; and said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to city council, and in order that he may fulfill his duties and make complete audits of accounts, he shall have power whenever he may see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purpose aforesaid; the said comptroller shall also be authorized, whenever in his judgment the interest of the city for which he is elected such officer shall require, to examine under oath any person presenting a bill or claim against said city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all the facts relating to said claim, which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the city's liability therefor; *provided, however*, that this act shall not apply in any of its provisions to any city of this state which now has any comptroller under any special charter or the supplements thereto, or any officer whose duties correspond to those enumerated in this act.

Proviso.

When unlawful  
to sign warrants  
or procure pay-  
ment of money.

5. *And be it enacted*, That it shall be a misdemeanor for the comptroller to sign any warrant or order, or otherwise to procure the payment of any money by the city for which he is said officer, not authorized by law.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXIII.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons heretofore laid or imposed and now remaining unpaid, together with interest thereon at seven per cent. per annum, to be calculated from the time such tax or assessment was imposed to the time of such payment, and the collector of taxes or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over six per cent. upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be

Unpaid taxes or assessments upon real property with interest may be paid to collector of taxes.

Collector authorized to receive payment and to cancel record, and tax or assessments to cease to be a lien, &c.

Provided.

released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *provided*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXIV.

A Further Supplement to the act entitled "An act for the settlement of the poor" (Revision), approved March twenty-second, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the act to which this is a supplement, which reads as follows:

Section to be amended recited.

"31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required; who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him at such time and place as he shall appoint; and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation, relating to his, her or their last place of legal settlement, which settlement shall be proved before said justice by the affidavit of at least one reputable freeholder, resident in the township or ward which the said

poor person or persons claim as his, her or their place of residence and settlement; and the said overseer or overseers are hereby authorized and required to take out, in the name of said justice, and serve process of subpoena when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with the affidavit and a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be, and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, that if it shall appear, on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy or evidence such removal shall not be deemed legal," be so amended as to read as follows:

31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons

Section as amended.

Upon application for relief justices of peace are empowered to issue warrant to bring applicant before him to determine place of legal settlement.

Justice to determine legal settlement and may order removal to poor-house.

Provided.

within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required, who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him, at such time and place as he shall appoint, and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation relating to his, her or their last place of legal settlement; and the said overseer or overseers are hereby authorized and required to take out in the name of said justice and serve process of subpoena, when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, if any there be, shall adjudge and determine the legal settlement of such poor person; and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal, commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer or overseers shall take and deliver with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be; and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, if it shall appear on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section



of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy of evidence such removal shall not be deemed legal.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXV.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, making the same a first lien on real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, within any incorporate city, village, borough, or other municipality of this state, against any person or persons or corporations for or on account of any lands, tenements, hereditaments or real estate, situate, lying and being in such city, village, borough or other municipality, together with lawful interest thereon accruing and all costs, fees, charges and expenses, in relation to the levy, assessment and collection of said taxes, shall be, become and remain from and after the date of such levy and assessment, a full and complete, first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for and during the period now provided for in the act of incorporation or any supplement thereto or revision of the same, of any such city, village, borough, or other municipality as aforesaid; and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every

Unpaid taxes to be and remain a first lien on lands

Mortgages, incumbrances, &c., to be subject and subservient to taxes, &c.

Proviso.

kind and nature, of, in, upon or against such lands, tenements, hereditaments, or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interest, costs, fees, charges and expenses; *provided, however*, that nothing herein contained shall be construed to apply to any township in this state, or to conflict with any laws regulating the assessment and collection of taxes in said townships.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

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## CHAPTER CXVI.

### An Act in relation to cities.

When any city is unable to raise and pay annual charge upon indebtedness common council may offer terms of settlement to creditors, and to issue bonds to such amount as they may deem necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any city in this state shall be unable, in the judgment of the city council or other legislative body thereof, to raise and pay the annual charge upon the municipal indebtedness of such city, which judgment shall be expressed by the resolution of such city council or other legislative body, by the votes of three-fourths of the members thereof, it shall then be lawful for the said city council or other legislative body to offer such terms of settlement to the creditors of such city as such city council or other legislative body shall deem such city so indebted may be able to meet and carry out, and to issue bonds of such city for such an amount as they may deem necessary to carry out the terms of a settlement, in the manner hereinafter provided; said bonds shall be issued by ordinance of the city council or other legislative body of such city passed by the votes of three-fourths of the members thereof, and

said bonds shall be applicable to the purposes of the arrangement and settlement of the indebtedness of any such city with the creditors thereof, and for no other purpose, except as hereinafter provided; and the ordinance for the issue of said bonds shall be passed in like manner and in accordance with the same forms of law as all other ordinances for the issue of bonds heretofore passed in such city or cities; said bonds may be either coupon or registered, and exchangeable, the one class for the other, at the option of the holder, and all said bonds so issued, shall be entitled and designated adjustment bonds of the city by which the same may be issued; *provided, however,* in no case shall such bonds be issued Provido. until the city council or other legislative body in said city or cities shall have determined by resolution the amount or percentage of existing indebtedness for which said adjustment bonds shall be issued, and as soon as the city council or other legislative body shall have determined upon the amount and character of the settlement they shall deem such city or cities as aforesaid may be able to make and carry out, it shall be the duty of said city council or other legislative body to submit such terms of settlement to the legal voters of such city or cities, in order to give undisputed validity to such issue of adjustment bonds by the endorsement of the same by a majority of the voters and taxpayers, should such terms of settlement as may be offered be agreed to.

2. *And be it enacted,* That the manner of acceptance or rejection of such terms of settlement by the legal voters of such city or cities shall be as follows: the said city council or other legislative body shall give thirty days' notice, by publication in the daily and weekly papers of such city or cities, of a special election for that purpose; the polls shall be held at such places as the city council or other legislative body may determine, and the election shall be carried out in the same manner as provided for other municipal elections, and under the same laws, except as to the time of holding the same, which shall be fixed by the said council or other legislative body, and also except that but one day of registration of voters shall be required, which said day of registration shall be not more than four days before the day fixed for

Legal voters of city to determine the acceptance or rejection of terms of settlement.

the said election; and the ballots cast at such election shall be as follows, to determine the will of the people: in favor of the settlement of the debt as proposed, or, against the settlement of the debt as proposed, as the voter may determine.

If settlement is agreed to, adjustment bonds to be issued.

3. *And be it enacted*, That whenever such settlement shall be agreed to in any city of this state as hereinbefore provided, the adjustment bonds authorized by this act shall be issued in the manner provided for the issue of bonds in such city or cities, and such bond shall bear a rate of interest to be fixed in the terms of settlement, not, however, greater than four per centum per annum, and shall be payable at such time or times as may be designated, not however, less than twenty years from the date of issue; but the said bonds may be made redeemable by such city or cities at any time after five years from the date of the issue of the same.

Rate of interest.

Bonds issued may be exchanged for legal indebtedness.

4. *And be it enacted*, That it shall be lawful for such city or cities, through the finance department thereof, to exchange such bonds so issued for any legal evidence of indebtedness of such city, held by any creditor thereof with whom such finance department may agree for that purpose, in accordance with the terms of settlement which may be authorized and adopted in pursuance to the provisions of this act, and such city or cities may by a majority vote of its finance board, and by a three-fourths vote of its city council or other legislative body, issue an amount of adjustment bonds in the manner authorized by the foregoing provisions of this act sufficient to cover the cost and expense of making the exchange as aforesaid; *provided*, the amount of bonds so issued shall not exceed one percentum of the amount of such bonds so exchanged, but no money shall be paid for commission except in cases where the city authorities shall be absolutely unable to make settlement as intended by the provisions of this act.

Bonds may be issued to cover cost and expense of making exchange.

Proviso.

Interest on bonds to be raised by taxation.

5. *And be it enacted*, That the annual interest on the aforesaid adjustment bonds shall be raised by taxation, by the proper authorities of any such city, which may be authorized by law to raise money by taxation, and such interest, together with any sum of principal which shall be raised by taxation by such authority, shall be

paid by the proper authorities on such bonds for interest or redemption before the interest on any bonds or other evidences of indebtedness of such city in existence at the time of the issue of the bonds authorized by this act, except indebtedness incurred for current expenses.

6. *And be it enacted*, That all sums which shall be raised by any such city for the purpose of application to the payment of the bonds authorized by this act, shall be held as a sinking fund by the proper officers of said city, and shall be applied from time to time to the reduction of the debt only by the redemption of said bonds, and said bonds shall in all cases be purchased at the market price, if below par in value; such bonds so purchased shall not again be issued, but shall as soon as possible be cancelled, in the presence of the mayor, sinking fund commissioners, if any there be, and finance committee of the governing body of said city, or a majority of them.

Money raised for payment of bonds to be held as a sinking fund.

Bonds purchased to be cancelled.

7. *And be it enacted*, That all revenues raised by any such city for licenses of any character whatever, and also all unexpended balances of the annual tax levy made for current expenses, which may remain unused at the end of each fiscal year, shall be used by the sinking fund commissioners for the purchase of any outstanding bonds or other evidences of indebtedness, at the market price, not above par; *provided however*, that such sums received from license fees and unexpended balances, as aforesaid, shall be applied to the purchase and redemption of any portion of the indebtedness of any such city, now outstanding, which may not be included in the settlement contemplated by this act, and whenever all such indebtedness shall have been purchased or redeemed on behalf of such city, by the proper officers thereof, or exchanged under the terms of the settlement provided for in this act, then, and in such case the said unexpended balances and license fees, when received, shall be turned into the sinking fund, which is made applicable to meet the principal of the adjustment bonds which may be issued under the foregoing provisions of this act.

Revenues from licenses and unexpended balance to be used for the purchase of outstanding bonds and other indebtedness.

Proviso.

8. *And be it enacted*, That all acts and parts of acts, inconsistent or in anywise in conflict with this act, be and the same are hereby repealed, and that this act shall be

Repealer.

twenty-first and twenty-second sections of the which this is a supplement.

Act when to take  
effect

2. *And be it enacted*, That this act shall take effect 15th, 1880.

Approved March 10, 1880.

## CHAPTER CXXXIV.

A Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act to which this is amendatory, and which said section reads as follows, to wit:

Section to be  
amended recited.

"6. *And be it enacted*, That no person shall expose for sale, or have unlawfully in his or her possession after the same has been killed, any woodcock between the first day of January and the fourth of July, in any year, under a penalty of ten dollars for each bird so killed or had in possession," be amended so that the same shall read and be enacted as follows:

Penalty for killing or exposing  
for sale woodcock  
between certain  
dates.

6. *And be it enacted*, That no person shall expose for sale, or have unlawfully in his or her possession after the same has been killed, any woodcock between the first day of January and the first of September, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXXXV.

## An Act relative to the taking of the census of school children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, in all cities wherein there now are, or may hereafter be, school boards, boards of education, or boards of school trustees, the enumeration and census of the children of school age in such cities shall be made and taken annually on or before the first day of June by the clerk or secretary of said boards or by such other person or persons as may be appointed by said boards for such purposes, and a report thereof, duly attested by affidavit as correct, filed with the board of education or school trustees, who shall procure the same to be reported to the county superintendents of their respective counties. Census of school children to be taken in cities.

2. *And be it enacted*, That the enumeration and census so as aforesaid made and taken, shall contain the name in full and age of each child, and the name and residences of their parents, and the person or persons making the said census and reporting the same, shall be entitled to such price not less than three nor more than five cents, as may be fixed by the said school boards. Census how taken. Fee for each name.

3. *And be it enacted*, That all acts and parts of acts, local or special, inconsistent with this act, are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately. Repealer.

Approved March 10, 1880.

## CHAPTER CXXXVI.

An Act to protect the health of boys and girls,  
and to secure to parents the control of their children.

No spirituous  
liquors ale or  
beer to be sold  
to any person  
under eighteen  
years if parent  
or guardian shall  
forbid in writing,  
&c.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That no vinous, spirituous, other alcoholic liquors, and no ale, strong beer, porter or other malt liquors, shall be sold or given in great or small quantities, to any boy or girl under the age of eighteen years, by any wholesale or retail dealer, any tavern keeper, saloon keeper or other person in such alcoholic or malt liquors, their servants or agents, if the parent or guardian of said boy or girl shall forbid in writing or verbally such sale or gift.

Tavern and  
saloon keepers  
not to allow any  
boy or girl to  
lounge or fre-  
quent their  
places.

2. And be it enacted, That no saloon keeper, tavern keeper or other dealer in alcoholic or malt liquors, shall permit any boy or girl, under the age of eighteen years, to lounge in or frequent the rooms or places where such liquors are kept or sold, if the parent or guardian of said boy or girl shall notify the saloon or tavern keeper or other dealer in such liquors not to permit the boy or girl to visit their rooms or places.

Penalty for vio-  
lation of this act.

3. And be it enacted, That for every such offence under this act, the party offending shall forfeit and pay to the township in which such offence occurs, for the use of the poor, a sum of sixty dollars, which penalty shall be recovered by action of debt, and given to the overseer of the township in which such offence occurs, for the use of the poor.

Action to be  
instituted

4. And be it enacted, That the action for the recovery of the penalty aforesaid, shall be instituted in the county court or court of common pleas of the county in which the offence occurred, and shall be in the corporate name of the township in which the offence occurred, and the name of the person complaining shall be joined as co-plaintiff in such action.



5. *And be it enacted*, That in case judgment is recovered for penalty, full costs of suit shall be taxed and recovered against the defendant or defendants, as in the case of judgment for debts or damages over one hundred dollars, and execution for said penalty and costs shall issue against the goods and chattels, lands, tenements, and hereditaments of such defendant or defendants, and in default of any personal or real property to satisfy such execution, that the body of such defendant shall be taken and confined in the common jail of the county until such execution is paid or the court orders his discharge from custody; *and further*, such defendant or defendants shall not have the benefit of the insolvent laws.

Judgments and costs of suit how taxed and recovered.

6. *And be it enacted*, That in any action instituted to recover the penalty aforesaid, and judgment shall be rendered in favor of defendant, he or she shall recover from the complainant joined as aforesaid as co-plaintiff, full costs of suit, as now taxed by law in the circuit court or court of common pleas, and shall have the like execution against such complainant as is heretofore provided in case judgment is rendered against such defendant.

Execution may issue for recovery of penalty, &c.

7. *And be it enacted*, That if the provisions of this act shall be violated more than three times within six months by the same person, his agents or employees, that he or she shall be indictable for misdemeanor, and, on conviction, shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding six months, or both.

Penalty for violation of this act, &c.

Approved March 10, 1880.

## CHAPTER CXXXVII.

An Act to repeal an act entitled a "Supplement to an act entitled 'An act to establish a system of public instruction,'" approved March fourteenth, one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled a supplement to an act entitled an act to establish a system of instruction, approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is repealed.

2. *And be it enacted*, That the above is hereby re-enacted to take effect immediately.

Approved March 10, 1880.

## CHAPTER CXXXVIII.

An Act to provide for the arbitration of labor disputes.

Preamble.

WHEREAS, Disputes between workingmen and employers frequently result in protracted strikes, which cause great loss to both parties and to the community at large, and disturb the amicable relations which ought to exist between labor and capital; and whereas it is desirable to provide some legal method for submitting such differences to arbitration, with a view to an honorable, satisfactory and speedy settlement; therefore,

Employees dissatisfied with wages, &c. may name arbitrator, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if a majority of the employees in any manufacturing establishment, or in any particular department thereof, shall give notice to their employer or employers in writing, signed by them, that they are dissatisfied with the terms or conditions which they are employed, or with the wages they are receiving, or with any proposed reduction of their wages, or proposed alteration of the terms or conditions which they are employed, and that they propose to submit the matters complained of to arbitration, they shall name an arbitrator to represent them; and

employer or employers cannot adjust such differences, it shall be the duty of such employer or employers, if they choose to accept this method of compromise, to nominate and appoint in writing an arbitrator to represent him or them, and to give notice to said employees of such appointment.

Employers may appoint arbitrator, &c.

2. *And be it enacted*, That the two arbitrators so as aforesaid appointed, shall forthwith meet and proceed to select a third arbitrator; and the said three arbitrators shall without unnecessary delay notify the employees and the employer or employers of the time and place, when and where they will meet to hear arguments on the matters in dispute, which meetings shall be held under such conditions, rules and regulations as the said arbitrators may mutually agree upon; the questions at issue shall be submitted to the arbitrators in writing, and their decision shall be confined to the questions so submitted; either of such arbitrators may administer an oath or affirmation to any person testifying before them, and any person so sworn who shall testify falsely, shall be deemed guilty of perjury; either of the parties to such arbitration may be represented before the arbitrators by counsel, if they so desire, and the arguments may be oral or in writing, as the parties themselves may respectively prefer.

Arbitrators to select another and their duties.

3. *And be it enacted*, That the finding of the said arbitrators shall be reduced to writing, and a copy thereof served upon each of the parties to the dispute, or upon their respective representatives, and shall be deemed to be binding upon both parties submitting the matters in dispute to arbitration, and shall take effect from the date of the finding, unless some other time is fixed in the finding for the taking effect thereof.

Finding of arbitrators to be binding upon all parties.

4. *And be it enacted*, That the costs of arbitration shall be fixed and paid as the parties may previously or mutually agree, and if not so agreed upon, they shall be fixed and paid as the arbitrators themselves may decide.

Costs of arbitration by whom paid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXXXIX.

An Act to authorize railroad corporations to surrender their franchises, and to dispose of their property.

Railroad corporations may be dissolved by filing a certificate in secretary of state's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the holders of a majority of the capital stock of any railroad corporation which has no bonded indebtedness, and which does not receive from the operation of its road moneys sufficient to meet and satisfy its expenses, shall deem it best to surrender the corporate rights, powers, privileges and franchises of, and to dissolve such corporation, it shall be lawful for such corporation to make such surrender by filing in the office of the secretary of state, for this purpose, a certificate, under the corporate seal of said corporation and attested by the president and secretary thereof, setting forth that the holders of a majority of the stock had deemed it best to surrender the corporate powers, privileges and franchises of said corporation for the reason aforesaid; and upon the filing of such certificate, as aforesaid, the said corporation shall *ipso facto* be dissolved.

Directors to act as trustees and empowered to sell the property of the corporation.

2. *And be it enacted*, That the persons who shall be acting as directors of such corporation at the time of such surrender, shall, immediately thereafter, as trustees for the stockholders, proceed to sell all the property of said corporation at public or private sale, at and for the highest price and upon the best terms attainable; and after deducting from the proceeds of such sale, the necessary expenses thereof, and all liabilities of such corporation, shall distribute the balance thereof among the stockholders in proportion to the amount of stock they hold.

Repealer

3. *And be it enacted*, That this act shall take effect from and after its passage.

immediately ; and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 10, 1880.

## CHAPTER CXL.

An Act to authorize the formation of turnpike corporations, and regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven, may form a company for the purposes of constructing, maintaining and operating a turnpike for the public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the same is to be constructed or maintained and operated, the length of such road as near as may be, and the name of each county and the townships through or into which it is made or intended to be made; the amount of the capital stock of the company, which shall not be less than five hundred dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of the said seven directors of the company, the majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber of such association shall subscribe thereto his place of residence, and the number of shares of stock he agrees to take in said company; said articles of association shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state, to be filed, the persons who have so

Persons may form a turnpike company.

Amount of capital stock.

Articles of association to be filed in office of secretary of state.

Powers granted  
to corporations  
formed under  
this act.

subscribed such articles of association, and all persons who shall become stockholders in such company shall be a corporation by the name specified by such articles of association; every corporation formed under this act in addition to the general powers set forth in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, shall have power:

To cause surveys  
to be made, and  
may enter on  
lands, &c.

I. To cause such examination and surveys for a proposed turnpike to be made as may be necessary for the selection of the most advantageous route, and for the purposes by its officers and servants to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto;

To take and hold  
voluntary grants.

II. To take and hold such voluntary grants of real estate and other property as may be necessary for the construction and maintenance and accommodation of a turnpike; but the real estate received as a voluntary grant shall be held and used for the purposes of the grant only;

To purchase,  
hold and use  
real estate.

III. To purchase, hold and use all such real estate and other property as may be necessary to accomplish the objects of its incorporation;

To lay out and  
construct road,  
&c.

IV. To lay out its road as hereby provided, and to construct the same, and for the purposes of cutting and constructing embankments, to take as much more land as may be necessary for the proper construction and security of the turnpike;

Other powers.

V. To exercise all other powers hereby granted.

When articles are  
not to be filed.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least three hundred dollars of stock for every mile of turnpike proposed to be made is subscribed thereto, and ten per centum paid thereon in good faith, to the directors named in said articles of association, nor until there is endorsed thereon or attached thereto, an affidavit made by at least five of the directors named in said articles that the amount of stock required by this section, has been in good faith, subscribed and the ten per centum paid thereon as aforesaid, and that the same is intended in good faith to construct or maintain.

operate the turnpike mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

3. *And be it enacted*, That a copy of any of the articles of the association filed and recorded in pursuance of this act, or of the record thereof with the copy of the affidavit aforesaid endorsed thereon, or annexed thereto and certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Copy of articles, &c., to be evidence.

4. *And be it enacted*, That there shall be a board of seven directors of every corporation formed under this act, and they shall be chosen annually by the stockholders at such time and place as shall be provided by the by-laws of the corporation, and shall hold their office for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the stockholders, as the by-laws of said corporation shall direct.

Board of directors, to be elected annually, &c.

5. *And be it enacted*, That the secretary and treasurer shall also be chosen by the directors or stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duties, and the treasurer shall give bond in such sum and with such sureties as shall be required by the by-laws, for the faithful discharge of his duties.

Office of secretary and treasurer.

6. *And be it enacted*, That the directors may require the subscribers to the capital stock of the corporation to pay the amount by them respectively subscribed in such manner and in such instalments as they may deem proper; if any stockholder shall neglect to pay any instalment as required by a resolution of said board of directors, the said board shall be authorized to declare his stock and all previous payments thereon forfeited for the use of the corporation; but they shall not declare it so forfeited until they shall have caused notice in writing to be served on him personally, or depositing the same in the post office properly directed to him, at the post office nearest his usual place of residence, stating that he is required to make such payments at the time and place specified in said notice, and that if he fails to make the

Subscription to capital stock may be paid in instalments.

Neglect to pay instalments, stock may be declared forfeited.



same his stock and all previous payments will be forfeited for the use of the company, which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if such company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said corporation for the amount unpaid upon the stock so held by him until the amount of the capital stock so held by him shall have been paid to said company.

*Proviso.*

*Stock deemed personal property and how transferred.*

7. *And be it enacted*, That the stock of every corporation formed under this act shall be deemed personal property and be transferable in the manner prescribed by the laws of the company, but no shares shall be transferred until all previous calls thereon shall have been paid in.

*Width of road.*

8. *And be it enacted*, That any turnpike constructed under the provisions of this act shall not exceed fifty feet in width, unless more land shall be required for the slopes of cuts and embankments; and it shall be lawful for the said company, its agents, engineers, superintendents or others in its employ to enter at all times upon the lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such turnpike, and of locating the same, and to locate all necessary buildings, bridges and conveniences, doing no unnecessary injury to private or other property, and where the route or routes of such turnpike, and the location of buildings, bridges and conveniences shall have been determined upon, and a survey of such route or routes and location or locations deposited in the office of the clerk of the court of common pleas of said county then and there which the proposed turnpike is to be built, then it shall be lawful for every corporation formed under this act upon payment or tender of such compensation as is hereafter provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ to construct, maintain and operate a turnpike between two points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the *termini* of such turnpike and for that purpose may enter upon, take possession

*Agents, engineers, &c., may enter lands and locate route, &c.*



hold, have, use and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repair or management of said company, and for the convenience of travelers, to and from the terminus thereof; *provided, always,* that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said turnpike, its conveniences, appurtenances and appendages may be laid out or located, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purposes of surveying and laying out said turnpike and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

May erect embankments, bridges, &c.

Proviso.

9. *And be it enacted,* That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said turnpike, shall be given in writing under oath or affirmation of some engineer or proper agent of the company and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or material in controversy lie or the owners reside, commis-

Proceedings in case the company cannot agree with the owner or owners of lands

Justice of the supreme court to appoint commissioners.

Commissioners  
to take oath.

Report to be  
made and filed.

Upon payment of  
amount awarded  
company empow-  
ered to enter upon  
and take posses-  
sion of land.

sioners to examine and appraise the said land materials, and to assess the damages upon such, notice given to the persons interested, as shall be directed by the justice making such appointment, to be exhibited therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and to make a just and equitable estimate or assessment of the value of the same, and an assessment of the damages to be paid by the company for such lands and materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the commissioners, or any two of them, and filed with the clerk of said county, within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to be recorded therein, and thereupon and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands and materials for the purposes aforesaid, and the said report or assessment thereof, certified by the clerk of said county, and the payment or tender of the amount awarded shall at all times be considered as plenary evidence of the amount due by any company incorporated under this act to have use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action at law or debt in any court of competent jurisdiction, in which no suit shall be instituted against the company, if they shall neglect to pay or refuse to pay the same for twenty days after demand made of their treasurer; and the said justice of the peace or supreme court shall, upon application of either party, and on reasonable notice to the others, tax and award such costs, fees and expenses to the justice of the peace or court, commissioners, clerks and other persons per-

ing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company; *provided always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the said commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may be. Proviso.

10. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with cost shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered, or the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said lands upon filing the report aforesaid; *provided*, Proceedings in case of appeal from decision of commissioners. Proviso. that in no case whatever shall said company incorporated under this act, enter upon or take possession of any land of any person or persons for the purpose of actually con-

structing said turnpike, or of making any ere  
improvements whatever, until they have pai  
party or parties entitled to receive the same, the  
assessed by the commissioners as the value of su  
or damages in case the report of the commiss  
not appealed from ; or if the same is appealed fr  
the amount which shall be found by the jury b  
the issue shall be tried ; but in case the party c  
entitled to receive the amount assessed by the  
sioners in case there shall be no appeal, and i  
appeal the amount found by the jury, shall refu  
tender thereof being made, to receive the same  
be out of the state or under any legal disability,  
payment of the amount assessed or found as  
into the circuit court of the county wherein  
lands lie, shall be deemed as valid and legal p  
and further, that the party or parties entitled to  
the amount assessed by the commissioners m  
tender thereof being made, receive the same  
being barred thereby from his or her appeal  
report of the commissioners ; and on such tende  
ment of the money into court, in case it be  
as aforesaid, or in case the said company  
rated under this act shall appeal from the fi  
the said commissioners, then the said company  
ment of the amount assessed or found as afores  
said circuit court, shall be empowered to enter u  
take possession of said lands, and proceed with  
of constructing its turnpike.

Proviso.

Rates of toll may  
be demanded.

11. *And be it enacted*, That it shall and may b  
for said company incorporated under this act, at  
to take, demand and receive of and from every  
persons who shall pass over the said turnpike w  
shall enter upon the same, the following rates of  
no more, per mile :

For every person on horse or mule,  
For all wagons, carts, sleighs or sleds  
drawn by one horse, mule or ox,  
each,  
For all one-horse pleasure carriages,  
each,

fifte

twen

For all two-horse pleasure carriages  
or stages, each twenty-five cents ;  
For all two-horse mule or ox wa-  
gons, carts, sleighs or sleds, each, twenty cents ;  
For all horned cattle or horses, each, six cents ;  
For all hogs, calves or sheep, each, two cents ;  
and all other articles and things not herein enumerated,  
to be in equitable proportion ; *provided always*, that said Proviso.  
directors may, in their discretion, reduce the rates.

12. *And be it enacted*, That it shall be lawful for any Toll gatherers  
may stop per-  
sons, &c., until  
toll is paid.  
toll gatherer of any company incorporated under this  
act, to stop any person or persons with wagons, carts,  
sleighs or sleds, all pleasure wagons and all horned cattle,  
horses, hogs, calves and sheep, from passing over said  
turnpike until the toll beforementioned shall have been  
paid ; *provided*, that the provisions of this act shall not Proviso.  
apply to or be enforced against any funeral procession, or  
any person who may, upon the first day of the week,  
commonly called Sunday, desire to pass over said turn-  
pike in going to or returning from divine service at the  
place where they usually attend the same.

13. *And be it enacted*, That the said company shall Time of com-  
mencement and  
completion.  
commence the proposed turnpike, within six months  
from the date of their organization, and complete the  
same in two years from the date of commencement as  
aforesaid ; *provided*, that any company now or hereafter Proviso.  
organized under said entitled act, has been or shall be  
restrained, prevented or enjoined by the order of any  
court or judge thereof or by any proceedings whatever  
at law or in equity from prosecuting the work on its  
turnpike or from opening or completing its said turn-  
pike, the time which any such company has been or  
shall be restrained, prevented or enjoined shall not be  
taken or computed, as any part of the time allowed and  
limited in said section for the opening and completion of  
said turnpike or any section thereof.

14. *And be it enacted*, That this act shall not apply to Act not to apply.  
any county which may be separate from the sea-beach,  
and any company incorporated under this act shall have  
the power to construct sufficient draw-bridges over Company incor-  
porated empow-  
ered to erect  
draw bridges.  
thoroughfares and small creeks which are navigable for

fishing boats and small vessels only, which may enclose any sea inland beach from the main land.

Company incorporated may borrow money and issue bonds.

15. *And be it enacted*, That any company incorporated under this act shall have power to borrow such sums of money from time to time, not to exceed the whole its paid up capital stock, as shall be necessary to build and repair said turnpike and to secure the payment thereof, by the execution, negotiation and delivery of any bond or bonds, and secured by mortgage on lands, privileges, franchises and appurtenances belonging to said company.

16. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXLI.

*An Act to provide means to increase the fish production of the waters of this state.*

Appropriation for defraying cost of procuring, hatching and distributing food fishes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing the work now in progress by the commissioner of fisheries of this state, of stocking the waters of the state with salmon, trout, bass, carp and other valuable food fishes, there is hereby appropriated the sum of fifty thousand dollars, which shall be paid to the commissioner of fisheries by the state treasurer on the warrant of the comptroller, drawn upon the requisition of the commissioner, and shall be by them expended in defraying the cost of procuring, hatching and distributing food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as the commissioner may deem advisable to restore and increase the fish production of the waters of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLII.

An Act to establish a license and excise department in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state containing more than fifteen thousand inhabitants to provide by ordinance for a department to be called the license and excise department; the mayor shall be, ex-officio, the head of such department; the other members of the department shall be appointed by the mayor, with the consent of the city council, and shall hold their office for such term, and shall perform such duties, and be paid such compensation as shall be prescribed by the ordinance creating the department; such ordinances shall define and lay down rules and regulations for the granting of licenses, in respect to all subjects in which the power of licensing is determined to be exercised by said city, and shall prescribe the penalties to be inflicted for the violation of such ordinance; *provided*, Cities may provide an excise department by ordinance. that the provisions of this act shall not apply to any city in this state in which the granting of such licences is now vested in a board of excise or excise commissioners, or to any city wherein the courts of common pleas now grant licenses. Members of the department how appointed and their term of office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.



## CHAPTER CXLIII.

An Act to amend the act entitled "A supplement to an act entitled 'An act concerning savings banks,' approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved April fifth, one thousand eight hundred seventy-

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the third section of the act intended to be hereby amended as aforesaid, which section reads as follows :

Section to be  
amended recited.

" 3. *And be it enacted*, That if, notwithstanding order, and after the elapsing of time sufficient in the discretion for the prevention of its insolvency, in not exceeding three years, said institution shall, on examination by or at the instance of the chancellor, be found unable to return the deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets equally among those entitled to share the same, by appointing a receiver or receivers, or continuing the directors or managers, or any of them, as he shall think best ; and thereupon said assets shall, under his direction, be collected or their value realized by sale, and the said section being made as aforesaid," be amended to read as follows :

Section as  
amended.

Chancellor to  
appoint receiver  
or receivers, at  
his discretion.

3. *And be it enacted*, That if, notwithstanding order, and after the elapsing of time sufficient in his discretion for the prevention of its insolvency, said institution shall, on examination by or at the instance of the chancellor, be found unable to return the deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets



among those entitled to share the same, appointing a receiver or receivers or continuing such directors or managers, or any of them as he shall deem best, and thereupon said assets shall under his direction, be collected or their value realized by sale and distribution, shall be made as aforesaid; and it shall be lawful for the chancellor by final decree directing such distribution, in his discretion, to adjudge whether or not the charter of said corporation shall be void.

2. *And be it enacted*, That the chancellor has and shall have power at any time to make order authorizing the reception by such institution of new deposits and directing the investment thereof, in such classes of securities as shall in his judgment be for the profit of such depositors, in which securities only the parties making such new deposits or their assigns, shall have any interest or right.

Chancellor may authorize reception of new deposits and direct the investment of the same.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLIV.

A Supplement to an act entitled "An act concerning roads" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any surveyors of the highways shall have been or shall be duly appointed by the inferior court of common pleas of any county in this state, to meet and lay out, alter or vacate a public road in such county, the persons so appointed as such surveyors shall be required to meet and perform the duties assigned them by such appointment, notwithstanding the term of office of any or all of them may have expired subsequent to such appointment, and any

Surveyors of highways to meet and perform duties, notwithstanding term of office has expired.

act or acts by them done or to be done, in pursuance of such appointment, shall be as valid to all intents and purposes as if the persons so appointed were at the time of doing such act or acts, surveyors of the highways, qualified and sworn as such.

2. *And be it enacted*, That this shall be deemed taken as a public act and shall take effect immediately.  
Approved March 11, 1880.

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## CHAPTER CXLV.

A Further Supplement to an act entitled "Act to amend the laws relating to elections," approved April eighteenth, one thousand eight hundred and seventy-six.

When day of election falls upon registry day, the board of registry to be held on the day following.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time fixed by any law of this state for holding a municipal election in any city of the state falls upon the day fixed by law for the meeting of the boards of registry to prepare the lists for the ensuing state and county election, such meeting of the boards of registry shall be held upon the day following such municipal election.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLVI.

An Act to amend "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties where there are incorporated cities or towns (outside of the county seat) of five thousand inhabitants or more, the public laws shall be published in one newspaper in said incorporated city or town, including the laws of the present session of the legislature; the governor and comptroller to designate such newspaper under the same regulations and restrictions and at the same compensation as is provided in the act to which this is a supplement.

Publication of laws to be published in newspapers of certain incorporated cities.

2. *And be it enacted*, That the laws especially applying to any particular county, shall be published only in the newspapers in said county affected thereby.

Special public laws how published.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLVII.

Supplement to an act "An act for the punishment of crimes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-sixth section of the act to which this is a supplement, and which follows:

Section to be amended recited.

"56. And be it enacted, That if any person shall wager upon the running, pacing or trotting of any mares or geldings, or shall be concerned in making up any purse for any such running, pacing or trotting, any person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine, not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," amended so that the same shall read as follows:

Section as amended.

Penalty for any person who are not authorized for making up a purse for running, pacing or trotting of horses.

56. And be it enacted, That if any person not authorized by an agricultural society or incorporated association in this state shall be concerned in making up any purse for any running, pacing or trotting of any horse or mares, or geldings, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

2. And be it enacted, That the fifty-seventh section of the act to which this is a supplement, and which follows:

Section to be amended recited.

"57. And be it enacted, That if any person shall be a stakeholder of any sum of money or other thing staked or wagered upon any such running, pacing or trotting, or shall cause to be printed or set up any notice or other thing notifying or advertising any such running, pacing or trotting, or shall be the rider or driver of any horse, mare or gelding in any race, of either running, pacing or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," shall be amended so that the same shall read as follows:

Section as amended.

Penalty for any person who is a stakeholder, rider or driver of any horse.

57. And be it enacted, That if any person shall be a stakeholder of any sum of money or other thing staked or wagered upon any such running, pacing or trotting, or shall cause to be printed or set up any

or other thing notifying or advertising any such running, pacing or trotting, or shall be the rider or driver of any horse, mare or gelding in any race, of either running, pacing or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

3. *And be it enacted*, That the fifty-eighth section of the act to which this is a supplement, and which reads as follows :

"58. *And be it enacted*, That if any person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods, or chattels, to make up a purse, plate or other thing to be run, paced, or trotted for by any horse, mare or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," shall be amended so that the same shall read as follows :

Section to be amended recited.

58. *And be it enacted*, That if any such person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods or chattels, to make up a purse, plate, or other thing to be run, paced or trotted for by any horse, mare or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Penalty for asking any person to contribute or collect any money to make up a purse, &c.

4. *And be it enacted*, That section fifty-nine of the act to which this is a supplement, and which reads as follows :

"59. *And be it enacted*, That if any person or persons shall let or rent his, her or their land for the purpose of a race course for the running, pacing or trotting any horses, mares or geldings, or shall knowingly suffer any such running, pacing or trotting upon lands belonging to him, her or them, or of which he, she or they may be in possession, such person or persons shall be deemed

Section to be amended recited.

fishing boats and small vessels only, which may rate any sea inland beach from the main land.

Company incorporated may borrow money and issue bonds.

15. *And be it enacted*, That any company incorporated under this act shall have power to borrow such sums of money from time to time, not to exceed whole its paid up capital stock, as shall be necessary to build and repair said turnpike and to secure the payment thereof, by the execution, negotiation and issue of any bond or bonds, and secured by mortgage on lands, privileges, franchises and appurtenances belonging to said company.

16. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CXLI.

*An Act to provide means to increase the fish production of the waters of this state.*

Appropriation for defraying cost of procuring, hatching and distributing food fishes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work now in progress by the commissioners of fisheries of this state, of stocking the waters of the state with salmon, trout, bass, carp and other valuable food fishes, there is hereby appropriated the sum of fifty thousand dollars, which shall be paid to the commissioners of fisheries by the state treasurer on the warrant of the comptroller, drawn upon the requisition of the commissioners, and shall be by them expended in defraying the cost of procuring, hatching and distributing food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as the commissioners may deem advisable to restore and increase the fish production of the waters of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

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## CHAPTER CXLII.

An Act to establish a license and excise department in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state containing more than fifteen thousand inhabitants to provide by ordinance for a department to be called the license and excise department; the mayor shall be, ex-officio, the head of such department; the other members of the department shall be appointed by the mayor, with the consent of the city council, and shall hold their office for such term, and shall perform such duties, and be paid such compensation as shall be prescribed by the ordinance creating the department; such ordinances shall define and lay down rules and regulations for the granting of licenses, in respect to all subjects in which the power of licensing is determined to be exercised by said city, and shall prescribe the penalties to be inflicted for the violation of such ordinance; *provided*, Cities may provide an excise department by ordinance. that the provisions of this act shall not apply to any city in this state in which the granting of such licences is now vested in a board of excise or excise commissioners, or to any city wherein the courts of common pleas now grant licenses. Members of the department how appointed and their term of office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLIII.

An Act to amend the act entitled "A supplement to an act entitled 'An act concerning savings banks,' approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved April fifth, one thousand eight hundred seven

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act intended to be hereby amended as aforesaid, which section reads as follows :

Section to be  
amended recited.

"3. *And be it enacted*, That if, notwithstanding the order, and after the elapsing of time sufficient in the discretion for the prevention of its insolvency, in not more than exceed three years, said institution shall, on examination by or at the instance of the chancellor, be found unable to return the deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets equally among those entitled to share therein, by appointing a receiver or receivers, or continuing the directors or managers, or any of them, as he shall think best ; and thereupon said assets shall, under his direction, be collected or their value realized by sale, and the said section being made as aforesaid," be amended to read as follows :

Section as  
amended.

Chancellor to  
appoint receiver  
or receivers, at  
his discretion.

3. *And be it enacted*, That if, notwithstanding the order, and after the elapsing of time sufficient in the discretion for the prevention of its insolvency, said institution shall, on examination by or at the instance of the chancellor, be found unable to return the deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets



among those entitled to share the same, appointing a receiver or receivers or continuing such directors or managers, or any of them as he shall deem best, and thereupon said assets shall under his direction, be collected or their value realized by sale and distribution, shall be made as aforesaid; and it shall be lawful for the chancellor by final decree directing such distribution, in his discretion, to adjudge whether or not the charter of said corporation shall be void.

2. *And be it enacted*, That the chancellor has and shall have power at any time to make order authorizing the reception by such institution of new deposits and directing the investment thereof, in such classes of securities as shall in his judgment be for the profit of such depositors, in which securities only the parties making such new deposits or their assigns, shall have any interest or right.

Chancellor may authorize reception of new deposits and direct the investment of the same.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CXLIV.

A Supplement to an act entitled "An act concerning roads" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever any surveyors of the highways shall have been or shall be duly appointed by the inferior court of common pleas of any county in this state, to meet and lay out, alter or vacate a public road in such county, the persons so appointed as such surveyors shall be required to meet and perform the duties assigned them by such appointment, notwithstanding the term of office of any or all of them may have expired subsequent to such appointment, and any

Surveyors of highways to meet and perform duties, notwithstanding term of office has expired.

same his stock and all previous payments will be forfeited for the use of the company, which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if such company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said corporation for the amount unpaid upon the stock so held by him until the whole amount of the capital stock so held by him shall have been paid to said company.

Proviso.

Stock deemed personal property and how transferred.

7. *And be it enacted*, That the stock of every company formed under this act shall be deemed personal estate, and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

Width of road.

Agents, engineers, &c., may enter lands and locate route, &c.

8. *And be it enacted*, That any turnpike constructed under the provisions of this act shall not exceed fifty feet in width, unless more land shall be required for the slopes of cuts and embankments; and it shall be lawful for the said company, its agents, engineers, superintendents or others in its employ to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such turnpike, and of locating the same, and to locate all necessary buildings, bridges and conveniences, doing no unnecessary injury to private or other property, and when the route or routes of such turnpike, and the location of such buildings, bridges and conveniences shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the clerk of the court of common pleas of said county through which the proposed turnpike is to be built, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereafter provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a turnpike between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the *termini* of such road, and for that purpose may enter upon, take possession of,

hold, have, use and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repair or management of said company, and for the convenience of travelers, to and from the terminus thereof; *provided, always,* that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said turnpike, its conveniences, appurtenances and appendages may be laid out or located, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purposes of surveying and laying out said turnpike and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

9. *And be it enacted,* That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said turnpike, shall be given in writing under oath or affirmation of some engineer or proper agent of the company and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or material in controversy lie or the owners reside, commis-

May erect embankments, bridges, &c.

Proviso.

Proceedings in case the company cannot agree with the owner or owners of lands

Justice of the supreme court to appoint commissioners.

Commissioners  
to take oath.

Report to be  
made and filed.

Upon payment of  
amount awarded  
company empow-  
ered to enter upon  
and take posses-  
sion of land

sioners to examine and appraise the said land materials, and to assess the damages upon such, not given to the persons interested, as shall be directed by the justice making such appointment, to be held therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and sworn an oath or affirmation before some person duly qualified to administer an oath, faithfully and impartially to examine the matter in question and to make a report according to the best of their skill and understanding), to meet at the time and place appointed, to proceed to view and examine the said lands or materials, and to make a just and equitable estimate or assessment of the value of the same, and an assessment of the damages to be paid by the company for such materials and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed with the clerk of said county, within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to be recorded therein, and thereupon and on payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands and materials for the purposes aforesaid, and the said report of valuation, together with the aforesaid description thereof, certified by the clerk of said county, and the payment or tender of the amount awarded shall at all times be considered as plenary evidence of the liability of any company incorporated under this act to have the same use, occupy, possess and enjoy the said land or materials, and no action or suit shall be brought or of the said owner or owners to recover the amount assessed or said valuation, with interest and costs, in any court of competent jurisdiction, in any action or debt in any court of competent jurisdiction, in any action or suit to be instituted against the company, if they shall refuse to pay the same for twenty days after the same shall be made of their treasurer; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and award such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons

ing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company; *provided always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the said commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may be. <sup>Proviso.</sup>

10. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with cost shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered, or the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said lands upon filing the report aforesaid; *provided*, <sup>Proceedings in case of appeal from decision of commissioners.</sup> <sup>Proviso.</sup> that in no case whatever shall said company incorporated under this act, enter upon or take possession of any land of any person or persons for the purpose of actually con-

## CHAPTER CLV.

An Act entitled "An act concerning the protection of public health and the record of vital facts and statistics relating thereto."

- Every city, town, or borough, to have a board of health.
- Board of health how appointed and term of office.
- Certain cities to have health inspectors.
- Who to constitute boards of health in townships.
- Local boards of health shall make annual report.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every city, or borough, or incorporated town, or any town governed by a commission, shall have a board of health of not less than five or more than seven members, of which the clerk, recorder of vital statistics, and also one city physician and city health inspector shall be members, if there be such officer or officers; and the said board of health shall be nominated by the mayor and approved by the common council or other governing board of the city, borough or town, to serve for not less than three years, but not more than three of the number shall be re-elected to office at any one time, unless in case of removal or change of residence.
2. *And be it enacted*, That all cities of over ten thousand inhabitants shall have one or more city health inspectors, who hereafter in any new board, or in any vacancy, shall be appointed by the board of health.
3. *And be it enacted*, That in each township of the State outside of city limits, the township committee, with the assessor and the township physician, if there be such an officer, shall constitute the board of health of all of said township outside of any city limits, and shall have the same powers as are possessed by any city board of health within the state, so far as the same could be applied to any unincorporated district.
4. *And be it enacted*, That every local board of health of any city, borough, town or township shall make a report about the first of October of each year, in addition to any other reports that the local authorities may make, and prepare an annual report of the condition of the

health in their district, stating, also, any special causes of deterioration of health or hazard thereto, and shall therein answer any inquiries which have been addressed to them by the state board of health; in the case of cities the same shall be presented to the city authorities, and the board of health shall, on or before October fifteenth of each year, forward a copy of the same to the address of the state board of health at Trenton; and in case of townships, a similar report, signed by the chairman of the township committee, shall, by the same date, be sent as herein provided for city boards.

Copy of report to be forwarded to the state board.

5. *And be it enacted*, That boards of health of cities or townships or any county health board shall, through the keeper or recorder of vital statistics, take cognizance of any neglect of returns on the part of any persons charged with this duty under the laws of this state, and are authorized to pass ordinances additional thereto, and not conflicting with the same; and they shall have the same powers of action for neglect as is given to the state board of health, and in addition, in the case of the failure of any city clerk, assessor or physician to make full returns as required by law, may bring action for the same and recover for the use of said city or township to the amount not exceeding fifty dollars; and in case of the death or removal of any assessor before the time for electing a successor, the township clerk shall take charge of and report such returns until the election of an assessor.

Boards of health to take cognizance of any neglect of returns and pass ordinances, &c.

6. *And be it enacted*, That the state board of health, in making inquiries and investigations in regard to the causes of disease and morality and the modes of their limitations, may aid any local board to the amount of twenty dollars in any one year, and that for this purpose, and also for extending its own inquiries into the sources of physical deterioration or local causes of disease, the board be authorized to expend two thousand dollars each year, in addition to the amount heretofore provided, said expenditure to be accounted for each year by itemized bills, audited by the president and secretary of the board of health and approved by the governor, and then shall be paid as other accounts of said board.

Vacancy in office of assessor, township clerk to act.

State board of health may aid local boards to a certain amount.

The state board authorized to expend a certain amount in each year.

7. *And be it enacted*, That the board of health of any city, borough, incorporated town or township, shall

Local boards to examine into all nuisances, &c.

examine into all nuisances, foul or noxious odors or vapors, or causes of ill health or disease that known to them or certified to them by three freeholders or tenants, as in their opinion injure the health of the inhabitants within their township, any such vessel within any harbor or port of such borough, town or township, and shall deal with them as in the manner herewith directed, to wit: when such nuisance or source of noxious odors, or causes of ill health or disease, shall be found on public property on the highway, the person or persons officially in charge thereof as overseers, civil officers, directors or trustees shall be notified to cause the same to be removed in the case may require; and if failing so to do the provisions shall be the same as hereinafter provided in the case of private individuals.

Notice to be served on overseers, directors, officers, &c.

When nuisances, &c., are found on private property, owners to be notified to remove the same.

Failure of owner to comply with notice, the board to remove same and the expense to be a lien on the property.

Previous.

8. *And be it enacted*, That whenever such nuisance or source of foulness or cause of sickness hazardous to the public health, shall be found on private property within the board of health of the city, town or township whose limits it may be, shall at once notify the owner at his own expense to remove the same within such time as said board shall deem the public health to require, a duplicate copy of the notification being also left at the residence of one or more of the tenants or occupants; if the owner resides out of the state and cannot be reached by notice speedily enough for the necessities of the public health, a notice left at the house with the tenant shall suffice; if the owner thus notified shall not comply with such notification or order of the local board of health within the time therein specified, said board shall proceed to remove said nuisance, source of foulness, or cause of sickness hazardous to the public health, and all expenses incurred thereby shall be a lien upon the property of the owner of the real estate or building on which the nuisance has occurred, for which he may have a claim against any person or persons who have caused or allowed said nuisance; and it is also *provided* that the property owner shall have the right under his petition, of speedy reference to the state or county board of health acting in a body or through its executive committee within such time as the local board of health shall



his application direct, unless in its judgment the danger to the public health is too immediate to admit of delay; and in case any injunction or stay of proceedings in any form is applied for, such injunction or stay of proceedings shall not be issued until the local board and the state board have been notified to appear and be present at such hearing; but the failure of the owner to cause removal, or the refusal of the court applied to to grant a stay of proceedings, shall not prevent the party or parties making the application from any suit at law and recovery of damages, if the alleged nuisance be shown to have been in no way hazardous or prejudicial to the public health.

9. *And be it enacted*, That in order to secure the preparation of such tabular classification and deductions therefrom as bear upon political economy, population, the causes of disease and of epidemics at the time of indexing the records of marriages, births and deaths, there shall also be made a full transcription of such vital facts as are required for such purposes, and the allowance toward such transcription, and for the indexing of the records, shall be five cents for each return, payable in the same way as heretofore provided for the index record; but the amount to be paid to the registrar or others for this clerical service, shall be determined by the state board of health, and the medical superintendent shall render to the secretary of state and to said board yearly an exact statement of the whole amount thus received and how expended, and the balance, if any remaining, shall be paid over to the state board of health and its expenditure accounted for through account audited by the president of said board and approved by the governor.

Transcription of  
vital statistics to  
be made.

Allowance for  
the same, and  
amount to be  
determined by  
state board of  
health and su-  
perintendent.

10. *And be it enacted*, That at the enrollment of the children each year by the clerk of district schools or by other proper officers in cities, inquiry shall be made as to how many of the children within the school age are unvaccinated, and the same shall be designated by a mark on said roll, and in the case of any found unvaccinated whose parents desire them to be protected from small pox, but who, in the judgment of the board of education or the trustees of the school district, are not

In the enroll-  
ment of school  
children, num-  
ber unvaccinated  
to be made.

Clerks authorized to grant permits to children of parents who are unable to pay, to be vaccinated.

Act not to change or modify power of any county board of health.

Yearly report to be made.

Act when to take effect.

able to pay therefor, the school clerk or other authorized person may give to said child or children a permit to appear at the office of any regular licensed physician in said school district or of said township to be vaccinated, and any such physician, on the presentation of such permit, with his certificate appended thereto that said vaccination has been by him successfully performed, shall be entitled to receive from the township clerk or city treasurer, fifty cents for every such certificate.

11. *And be it enacted*, That in case of any county having a county board of health or vital statistics, in this bill shall change or modify their former powers and jurisdiction and they shall possess all the authority herein granted to city or township boards; and they shall yearly report to the state board of health and to the cities and townships of the county, in the same manner as required in counties where there is no county board of health; they shall be the sole power to make orders in relation to the public health and to carry out the provisions of the laws of this state in reference to the collection and returns of vital statistics in their respective counties, nothing in this act shall relate to or affect the boards of health now organized in any of the counties of this state under the provisions of their respective charters.

12. *And be it enacted*, That this act shall take effect on the first day of April, one thousand eight hundred and eighty.

Approved March 11, 1880.

## CHAPTER CLVI.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning disorderly persons' approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory, and which is in the words following, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state having a population of over fifteen thousand inhabitants and less than thirty-five thousand inhabitants, and having police courts or police justices, paid by a fixed salary, all persons arrested for any violation of the provisions of the act entitled 'An act concerning disorderly persons,' approved April ninth, one thousand eight hundred and seventy-five, or for any violation of the provisions of the act entitled 'An act to define and suppress tramps,' April nineteenth, one thousand eight hundred and seventy-six, shall be taken for a hearing before such police court or police justice, and that in all such cases no justice of the peace residing or holding his court in such city shall have power to hear, try, or determine such cases, any law, custom or usage to the contrary notwithstanding," be and the same is hereby amended to be and read in the words following, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state having police courts or police justices, or a recorder's court, or in any city which may hereafter have such courts, or either of them, all persons arrested for any violation of the provisions of the act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five, or for any violation of the provisions of the act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six, shall be taken for a hearing before such police court, or police justice, or such recorder's court, and that in all such cities no justice of the peace shall have power to hear, try or determine such cases, any law, custom or usage to the contrary notwithstanding; and where the police justice or the recorder is paid a fixed salary out of the city treasury, all fees received by him for services under the aforesaid acts shall be paid into the city treasury; and where the arrests are made by any police officer of

Section to be amended recited.

Section as amended.

All persons arrested to be taken before police justice or recorder.

Fees to be paid into the city treasury.

the city, receiving a fixed salary out of the city treasury, and all fees to which he would be entitled for services rendered; the said acts shall be paid into the city treasury; and the fines collected by any such salaried police judge or recorder under the aforesaid acts shall be paid into the city treasury once a month.

Approved March 11, 1880.

## CHAPTER CLVII.

An Act for the prevention of cruelty to animals.

### A.—WHAT SHALL BE DEEMED CRUELTY—CRIMINAL PROCEEDINGS AGAINST OFFENDERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall drive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat or otherwise abuse, or neglect, mutilate or kill, or who shall cause or procure to be driven, overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten or otherwise abused, or needlessly mutilated or killed, any living animal or creature; and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, shall be deemed guilty of a misdemeanor, and for every such offence shall, on conviction thereof, be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Penalty for cruelty to animals.

2. *And be it enacted*, That any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money, or other consideration, for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird, or other living animal or creature, and every person who shall be present and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, shall be deemed guilty of a misdemeanor, and for every such offence shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, at the discretion of the court.

Penalty for keeping or being in any place kept for the purpose of fighting any bull, bear, dog, &c.

3. *And be it enacted*, That any person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any living animal or creature, in a cruel or inhuman manner, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act.

Penalty for carrying in a vehicle any animal in a cruel or inhuman manner.

4. *And be it enacted*, That any person who shall impound or confine, or cause to be impounded or confined, in any pound or other place, any living animal or creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and, in default thereof shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act.

Impounded animals to have food and water.

5. *And be it enacted*, That if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act; and it shall be lawful for any justice of the peace, or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in this state, to appoint a suitable person to destroy such animal or creature, if unfit for further use, or to advertise and sell the same in such manner as such justice of the peace, sheriff or agent shall direct, and to pay the proceeds, after deducting expenses, to the District Society for the Prevention of Cruelty to Animals, if one is in ex-

Penalty if any maimed, sick or infirm animal or creature shall be abandoned to die in any public place.

istence in the county, if not, then to the New Jersey Society for the Prevention of Cruelty to Animals.

B.—SEIZURE OF PROPERTY.

Proceedings in case of seizure of any articles which may be forfeited and sold.

6. *And be it enacted*, That the person arresting the person or persons offending against the provisions of this act, and so seizing such living animals, creatures, implements or appliances, shall within twenty-four hours after such seizure, make application to a justice of the peace, to have the same forfeited and sold; which application shall be in writing, and shall specify the articles seized, the place where they were seized, and state for what reason the same were seized; and the said justice shall thereupon cause a notice to be published in a newspaper circulating in the neighborhood of the place where such seizure was made, for at least three times, if in a daily paper, or one time, if in a weekly paper, stating that a seizure has been made, the names of the articles seized, the place where the same were seized, and the reason for such seizure; and in such notice shall appoint a time and place, not less than five nor more than ten days from the date of such seizure, when and where all parties may be heard, and show cause why the application should not be granted, and if upon the hearing of such application it shall be found and adjudged that at the time of said seizure the same were engaged in said exhibition, or were owned, possessed or kept by any person with the intent that the same should be so engaged, they shall be adjudged forfeited, and the said justice shall order the same sold in such manner as he shall deem proper, and after deducting the cost and expenses, shall pay one-half the proceeds of such sale to the district Society for the Prevention of Cruelty to Animals, if one is in existence in his county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, and the other half to the person making the seizure aforesaid; should it be found and adjudged that any such birds or animals are of no use or value, the same shall be set at liberty or disposed of as the justice may direct; but should the same be adjudged not forfeited, they shall be returned to

the owner, and the party making the seizure shall pay all the costs and expenses of the same.

7. *And be it enacted*, That the justice of the peace for his services in the foregoing section named, shall be <sup>Fees.</sup> allowed the following and no other fees, to wit:

For drawing the application, per folio, fifteen cents;

For drawing the notice, per folio, fifteen cents;

For printing (the fees now allowed by law to printers, to be paid to the printer by the said justice);

For the hearing, one dollar;

For swearing each person, twenty-five cents;

For making order in regard to forfeiture and sale, or other disposition of said articles, fifty cents;

And such other fees as are now allowed by law; and in addition the justice shall pay all expenses of the custody of said articles, and retain the same out of the proceeds of sale; or in case of no sale, cause the same to be paid by the party making the seizure.

8. *And be it enacted*, That the person arresting the person or persons offending against the provisions of section three of this act shall take charge of such vehicle and its contents; and all necessary expenses which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully redeemed; and if the same shall not be redeemed within ten days from the time the same is seized, then the person so seizing the same shall cause the same to be advertised to be sold, by advertisements published in a newspaper circulating in the neighborhood in which the said seizure was made, for at least three times in a daily paper, or one time if in a weekly paper, stating the time and place of such sale, the articles to be sold, and the reason for selling the same; and at the time and place so appointed, he shall sell the same to the highest bidder, and out of the proceeds of said sale he shall pay all necessary expenses incurred, and the balance he shall pay to the owner or owners of said articles; and if the proceeds of said sale shall not be sufficient to pay such expenses, the balance may be recovered by the person seizing said articles, from the owner or owners thereof, in an action of debt, before any court of competent jurisdiction.

Proceedings in  
case of arrest of  
person and seiz-  
ure of vehicles  
and contents, &c

## C.—ENTERING AND SEARCHING BUILDINGS.

Justice of the peace may issue search warrant when complaint is made on oath or affirmation.

Proviso.

9. *And be it enacted*, That when complaint is made on oath or affirmation before any justice of the peace or police magistrate that the complainant believes, and has reasonable cause to believe, that the law in relation to cruelty to animals has been or is being violated in any particular building or place, such justice of the peace, or police magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant, authorizing any sheriff, under sheriff, constable, police officer, or agent of the New Jersey Society for the Prevention of Cruelty to Animals, to enter and search such building or place, but no such search shall be made between the hours of six o'clock in the afternoon and six o'clock in the morning, unless specially authorized by such justice of the peace or police magistrate upon satisfactory cause shown; *provided*, that any such officer or agent may at any time enter any place, building or tenement as provided for in section eleven of this act.

## D.—IMPOUNDED ANIMALS.

Cost of food and water to impounded animals may be collected of owner or owners.

10. *And be it enacted*, That in case any living animal or creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person, from time to time, as often as shall be necessary, to enter into and upon any pound in which such living animal or creature shall be so impounded or confined, and to supply it with necessary food and water so long as it shall remain so impounded or confined; such person shall not be liable to any action for such entry; and the actual cost of such food, water and bedding, together with twenty per centum additional, may be collected by such person of the owner or owners of such animal or creature, in an action of debt, together with costs, before any court of competent jurisdiction, and the said animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.



E.—SUMMARY PROCEEDINGS BEFORE A JUSTICE OF THE  
PEACE.

11. *And be it enacted*, That any sheriff, under sheriff, constable, police officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, may enter any place, building or tenement where there is an exhibition of the fighting or baiting of any bull, bear, dog, cock, bird or other living animal or creature, or where preparations are being made for such an exhibition, and without warrant arrest all persons there present; and take possession of all bulls, bears, dogs, cocks, birds or other living animals or creatures engaged in fighting or there found, and also all implements or appliances used or to be used in such exhibition; such persons so arrested shall be taken before the nearest police magistrate, district court or justice of the peace, who upon complaint being made and warrant issued, returnable immediately, the parties being in custody, and he being satisfied as to the guilt of said parties, may adjudge that each of said persons shall forfeit and pay such sum not to exceed one hundred dollars, together with cost, as the said police magistrate, district court or justice of the peace shall determine, and the said person or persons so arrested shall be imprisoned and kept in custody until the said amount and cost, if any, are paid.

Agent, sheriff,  
&c. may enter  
buildings and  
make arrests  
without warrant.

12. *And be it enacted*, That any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow, vehicle, for business or other purposes, shall forfeit and pay a fine of one dollar and costs for the first offence and ten dollars and costs for each subsequent offence; such offender, together with the dog or dogs, cart, carriage, truck, barrow or other vehicle, shall be taken before a justice of the peace, district court or police magistrate, who, upon being satisfied, shall impose said fine, which said fine, as soon as imposed, shall have the force and effect of a judgment, and execution may be immediately issued thereon, and the articles so seized, levied upon and sold to pay and satisfy the said fine, together with the costs.

Penalty for using  
dogs for purpose  
of drawing cart,  
carriages or other  
vehicle.

F.—PROCEEDINGS FOR PENALTY IN THE NAME OF THE  
NEW JERSEY SOCIETY FOR THE PREVENTION OF  
CRUELTY TO ANIMALS—WHAT SHALL BE DEEMED  
CRUELTY.

Penalty for over-  
driving, over-  
loading, over-  
working, &c.

For tormenting,  
mutilating, beat-  
ing or killing.

For using dog or  
dogs for purpose  
of drawing, &c.

For abandoning  
to die.

13. *And be it enacted,* That any person or persons who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse, or needlessly mutilate or kill, or who shall by their agents, servants, employees or otherwise, cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or otherwise abused or needlessly mutilated and killed, any living animal or creature, and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather and any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird or other living animal or creature, and every person who shall be present, and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, and any person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any living animal or creature, in a cruel or inhuman manner, and any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle for business purposes, and any person who shall impound or confine, or cause to be impounded or confined, in any pound or other place any living animal or creature, and shall fail or neglect to supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and any person who shall abandon to die, in any public

place, any maimed, sick, infirm or disabled animal or creature, shall forfeit and pay such sum, not to exceed one hundred dollars, together with costs, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of the New Jersey Society for the Prevention of Cruelty to Animals, before any justice of the peace, district court or police magistrate in the county or city where the defendant resides, or where the offence or offences were committed.

#### G.—PROCEEDINGS.

14. *And be it enacted*, That any justice of the peace in the county, or any district court or police magistrate in any city where any offence shall have been committed under the above section eleven of this act, is hereby authorized and directed, upon receiving sufficient proof by affidavit of the same, and of any of the following particulars, to proceed as follows:

I. By summons: when the defendant or defendants are resident within the jurisdiction of the court; Proceedings in justices and district courts, &c.

II. By warrant: when the defendant or defendants are temporarily within the jurisdiction of said justice, court or magistrate, but not residing therein; or when the said person or persons is or are likely to evade judgment by removal therefrom; or when the name or names and residence or residences of said person or persons is or are unknown; By warrant.

III. By attachment: when said justice, court or magistrate is satisfied by affidavit that the owner or owners of any animal which has been or is being cruelly treated within the provisions of section eleven of this act, is the party chargeable directly or indirectly with such offence under said section, and that said owner or owners reside out of the local jurisdiction of said justice, court or magistrate; the said justice, court or magistrate shall order and enforce the same as a summary attachment against the animal so cruelly treated, and the vehicle, truck, cart, barrow or wagon to which said animal is or may be fastened, yoked, hitched or harnessed at the time of said offence, together with the appurtenances. By attachment.

## PLEADINGS.

**Form of summons.**

The following shall be the form of the summons issued in all cases under this act, and the warrant, when the party is arrested in a proceeding for the penalty prescribed in section eleven, shall conform to the same as far as practicable, viz :

State of New Jersey, }  
county, } ss.

[L. s.] To any constable or police officer (as the case may be) of said county :

summon to appear

before me, at my office,  
in the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_

**o'clock,**                **in the**                **day of**                **at**

**noon, to answer the**

**New Jersey Society for the Prevention of Cruelty to Animals,**  
prosecutor, in a plea of

debt, for the penalty of one hundred dollars, by virtue of an act entitled "An act for the prevention of cruelty to animals," approved

one thousand eight hundred and  
; hereof fail not.

Given under my hand and seal,  
this \_\_\_\_\_ day of  
\_\_\_\_\_, one thou-  
sand eight hundred and

**When suit shall  
be instituted by  
warrant.**

When the suit shall be instituted by warrant the justice, court or magistrate shall cause the following order to be endorsed on the affidavit filed in said cause, and shall affix his name to the same, viz:

Order to be endorsed on affidavit.

Having read the within affidavit, and being satisfied as to the sufficiency of the same, I do hereby order and adjudge that a warrant (or warrants, as the case may be), do issue against the defendant (or defendants, as the case may be), therein named;

**When suit shall  
be instituted by  
attachment.**

When the suit shall be instituted by summary attachment as provided for in this act, the justice, court or magistrate shall cause the following order to be endorsed

on the affidavit filed in said cause, and shall affix his name to the same, viz:

Having read the within affidavit, and being satisfied as to the sufficiency of the same, I do hereby order and adjudge that a summary attachment do issue and be enforced against said animal (or animals, as the case may be), so cruelly treated as aforesaid, and the vehicle, truck, cart, barrow or wagon to which said animal (or animals, as the case may be), were fastened, yoked, hitched or harnessed at the time of said offence, together with the appurtenances;

Form of order to be indorsed on affidavit.

The proceedings on said attachment, before the said justice, court or magistrate shall be the same, so far as practicable, as in other cases of attachment, provided for by law, before a justice of the peace;

Proceedings as in other cases of attachment.

In all prosecutions instituted and begun under the provisions of sections eleven and thirteen of this act, an affidavit of the violation thereof shall be sufficient demand or pleading, which said affidavit shall be filed with said justice before issuing of process.

In prosecution under certain sections, affidavit be deemed sufficient.

#### EXECUTION.

The proceedings mentioned in the preceding sections of this act may be instituted before any justice of the peace in and for the county where the offence or offences is or are committed, or before any district court or police magistrate in any city where the offence or offences is or are committed, and such justice, district court or police magistrate shall have competent jurisdiction for such purpose; and the amount of the forfeiture or penalty so to be recovered as in said section provided for, shall be determined and judgment rendered for the same, together with costs in like manner as in actions for the recovery of money or damages in the court for the trial of small causes; and execution may thereupon issue against the body or goods of the defendant; and all proceedings in said section mentioned, shall, except as otherwise specially provided, conform to the course and practice of the court for the trial of small causes, and in all proceedings under this act the costs aforesaid shall

Proceedings may be instituted before any justice of the peace, district court or police magistrate.

be the same as for like services are allowed by law to justices of the peace in the several counties of this state.

#### APPEAL.

Appeals to be allowed from decisions of any justice, &c.

An appeal to the court of common pleas of any county in this state shall be allowed from the decision of any justice of the peace, court or magistrate as aforesaid when proceedings as aforesaid are instituted, in the same way and upon the same terms as appeals are allowed from the judgments of justices of the peace under the act entitled "An act constituting courts for the trial of small causes."

#### H.—MISCELLANEOUS.

Agents, police officers, &c., may arrest persons violating this act.

15. *And be it enacted*, That any agent, member or officer of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, under sheriff, constable or police officer may make arrests and bring before any justice, court, or magistrate as aforesaid, offenders found violating the provisions of this act; and of all fines, penalties and moneys imposed and collected for any offence being in violation of this act, or under the provisions of this act and not herein specially provided for, one half shall be paid by the justice, court or magistrate or by the clerk or other officer of the court receiving the same, to the informer, complainant or prosecutor, and he shall pay within thirty days, and without demand, the other half to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, to be used by said society in aid of the benevolent objects for which it was incorporated; and any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may exercise and perform the like powers and duties as an agent of said society who has been specially deputed by the sheriff of any county in this state.

Fines how disposed of.

Powers and duties of officers, members and agents.

16. *And be it enacted*, That any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, under sheriff, constable or police officer shall have power to arrest without warrant any person or persons found violating the provisions of this act in the presence of said member, officer, agent, sheriff, under sheriff, constable or police officer, and to take the same before the nearest magistrate or justice of the peace, or court as aforesaid, there to be proceeded against according to law.

Any member, officer or agent of society may make arrests without warrant.

17. *And be it enacted*, That nothing in this act contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of some regularly incorporated medical society of this state; nor shall the same be construed to prohibit or interfere with the killing or disposing of any animal or creature by virtue of the order of any of the constituted authorities of this state.

Acts not to be construed to prohibit or interfere with scientific experiments, &c.

18. *And be it enacted*, That any person or persons against whom proceedings have been or are about to be begun before any justice of the peace, court or magistrate as aforesaid, in the name of the New Jersey Society for the Prevention of Cruelty to Animals, for the penalty prescribed in sections eleven, twelve or thirteen of this act, may appear before said justice, and if he, she or they so request, and then and there plead guilty to a violation of the provisions of the sections of this act aforesaid, the said justice, court or magistrate as aforesaid may immediately impose upon said party or parties the payment of any sum he or it may, in the exercise of his or its discretion, see fit, not to exceed the amount set forth in sections eleven, twelve or thirteen of this act, which said sum, and the costs of said proceedings, if any shall be then and there paid by the said party or parties, and the said proceedings shall then cease and determine, and the said justice shall so enter in his docket; and if the said penalty so imposed is not so paid, the said suit shall continue to judgment, and execution shall issue as hereinbefore provided for by this act.

Proceedings when any person or persons plead guilty of violation.

19. *And be it enacted*, That where, by the laws of this state or any ordinance of any city, town or borough, any

Fines collected for violation of ordinances to whom paid.

police justice, recorder, or other magistrate shall collect any fine or fines for cruelty to animals, that henceforth all moneys collected from such fines shall be paid to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals; and that the term cruelty, in this section mentioned, shall be held to include all the acts mentioned in the preceding sections of this act.

In this act certain words shall be held to include.

20. *And be it enacted*, That in this act the words "animal" or "animals," "creature" or "creatures," shall be held to include the whole brute creation, and the words "owner" and "person," or "owners" and "persons," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the knowledge and acts of such corporations.

When not necessary to endorse summons or warrant.

21. *And be it enacted*, That in all proceedings under this act, it shall not be necessary to endorse the summons or warrant as in *qui tam* actions with the time of issuing the same, or the title of the act under which it is issued.

Indictment of any person not to relieve him from liability to be sued for penalty.

22. *And be it enacted*, That the indictment of any person under the provisions of this act, or the holding of any person to bail to await the action of any grand jury or court of special sessions of any county in this state, shall not in any way relieve the said person from his liability to be sued for the penalty prescribed in section eleven of this act.

Certain acts repealed.

23. *And be it enacted*, That the acts entitled "A supplement to the act entitled 'An act for the punishment of crimes,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven; a further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, which supplement was approved April second, one thousand eight hundred and sixty-nine; "An act for the prevention of cruelty to animals," approved March



twenty-second, one thousand eight hundred and seventy-one; a further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved March fifth, one thousand eight hundred and seventy-two; "An act for the prevention of cruelty to animals," approved April first, one thousand eight hundred and seventy-three; a supplement to an act entitled "An act for the prevention of cruelty to animals," approved April first, one thousand eight hundred and seventy-three, which said supplement was approved March twenty-fifth, one thousand eight hundred and seventy-five; and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed and taken as a public act and shall take effect immediately.

24. *And be it enacted*, That nothing in this act contained shall prohibit or affect the shooting of pigeons from the trap or game in the field.

Act not to prohibit the shooting of pigeons from trap or game.

Approved March 11, 1880.

## CHAPTER CLVIII.

### An Act for building school-houses in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for any school district of this state, at their annual meeting, to vote money to build a school-house, as money is now voted for said school district under any existing law, and to provide land for that purpose, not exceeding                      acres, at such place in the said school district as the school trustees thereof may designate, and for that purpose the said school trustees may acquire the said land by purchase or condemnation; *provided*, a majority of the taxable residents of said school district shall be present at any meeting as aforesaid, and

Lawful for school district to vote money to build school-house and to provide land, &c.

Provided.

shall vote on any proposition presented for the selection of a place and voting money as aforesaid.

School trustees  
may enter upon  
lands, &c.

2. *And be it enacted*, That it shall be lawful for such school trustees to enter upon any lands and make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for their purposes, doing thereby as little damage as possible to the owner or owners thereof.

Proceedings in  
case trustees and  
owner or owners  
cannot agree as  
to compensation  
for lands.

3. *And be it enacted*, That in case said school trustees cannot agree with the owner or owners or other persons interested in any lands which said school trustees may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, for the purposes of their building, or cannot agree with the owner or owners for the whole or any part of any lands as to the amount of compensation to be paid for such taking, use, diversion, or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said school trustees, and upon two weeks' previous notice, served in person, or by leaving at the dwelling house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent

Justice of su-  
preme court to  
appoint commis-  
sioners to ascer-  
tain and assess  
value of land.

Refusal to serve.  
Judge to appoint  
another.

commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands, by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said trustees of the lands, by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or to the taking of said lands, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said land that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury, which he, she or they may sustain by reason of anything done under this act, as if this act had not been passed.

Trustees to exhibit to commissioners a description, &c., of lands to be taken.

Commissioners to ascertain and assess the value, &c.

Proviso.

4. *And be it enacted*, That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the value and damages so awarded; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same, shall vest in said corporation the lands, by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals.

Trustees to pay owner the value and damages awarded.

Upon payment, &c., title vested in the corporation.

Parties aggrieved  
may appeal to the  
circuit court.

Court may order  
a struck jury to  
try any appeal.

Right of appeal  
not to be waived  
by acceptance of  
amount awarded.

5. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands, as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be empaneled and sworn to try any such appeal, to view the premises in question during said trial, and the right of said trustees to appeal from and dispute the correctness of any award, shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CLIX.

A Further Supplement to an act entitled "An act to regulate elections" (Revision), approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any candidate at any election in this state for member of the senate or member of the assembly shall have reason to believe that an error has been made in any board of election or of canvassers in counting the vote or declaring the result of such election, whereby the result of such election has been changed, such candidate shall within ten days after such election be empowered to apply to any justice of the supreme court of this state, who shall be authorized to order and cause a recount of such votes to be publicly made under the direction of the court, by the county clerk or such other officer as the said justice may designate, after due notice to the parties interested of the time and place of such recount; and if it shall appear upon such recount of the ballots cast at such election that an error has been made sufficient to change the result of such election, as declared by any board of canvassers, then such justices of the supreme court shall be authorized and empowered to revoke the certificate of election already issued to any person as member of the senate or member of the assembly, and shall order to be issued in its place another certificate, duly attested under the seal of the county, to the party who shall be found to have received a majority of the votes cast at such election, which latter certificate shall supersede all others, and entitle the holder thereof to the same rights and privileges as a member of the senate or member of the assembly, as if said certificate had been issued by the county board of canvassers.

Justice of supreme court may order a recount of votes upon application of candidate.

Justice authorized to revoke certificate of election if an error has been made sufficient to change result and issue a certificate.

Certificate of justices to be certified by county clerk.

County clerk to transmit to secretary of state a copy.

Applicants for recount to file bond conditioned for payment of costs.

Compensation and expenses of recount, &c., how fixed and determined.

Repealer.

2. *And be it enacted*, That whenever any such certificate shall be issued by any justices of the supreme court, the clerk of the county shall certify the same to be full, true and correct, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver the same to any person who shall be so elected; and said clerk shall within five days thereafter transmit to the secretary of state, at Trenton, a copy of such certificate, signed with his own hand and attested by the seal of the county.

3. *And be it enacted*, That any applicant for such recount shall file with the county clerk a bond with two or more sureties, to be approved by the justice holding the county circuit, or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the original count be confirmed, or the result of such recount is not sufficient to change the result as declared by the board of county canvassers; and that said justice shall be empowered to fix and determine the amount of compensation to be paid for making such recount of the ballots; and if it shall appear that an error sufficient to change the result shall have been made by any board of canvassers, then the expense of such recount shall be paid by the collector of the county, upon the warrant of said justice, the same as other election expenses are paid; but if no error shall appear sufficient to change such result, then the expenses of such recount shall be paid by the party making the application.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

5. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 11, 1880.

## CHAPTER CLX.

An Act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to authorize the formation of railroad corporations and to regulate the same, approved April second, one thousand eight hundred and seventy-three, which reads as follows:

"17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, work shops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross such piers and bridges as they may deem expedient, and that all lands, tenements, hereditaments and real estate acquired by any such company, not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings, shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may lie in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation, incorporated under this act at any time

Section to be amended recited.

during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads, or any other points within or without this state; *provided, however*, that nothing in this act shall authorize any railroad companies, incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act more than they may be authorized to charge by the provisions of their respective acts of incorporation," be and the same hereby is amended so as to read as follows:

Companies incorporated may purchase, have and hold real estate, and erect depots, warehouses, workshops, &c.

17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient; and that all lands, tenements, hereditaments and real estate acquired by any such com-



pany not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may be, in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation, incorporated under this act, or under any of the laws of this state, at any time during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate, as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads or any other points within or without this state; *provided, however,* that nothing in this act shall authorize any railroad companies incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act, more than they may be authorized to charge by the provisions of their respective acts of incorporation.

Lands, &c., not used, &c., to be assessed as other property.

Authorized to lease road or to unite, consolidate and merge stock, &c., with any other company.

Provided.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1880.

shall vote on any proposition presented for the selection of a place and voting money as aforesaid.

School trustees  
may enter upon  
lands, &c.

2. *And be it enacted*, That it shall be lawful for such school trustees to enter upon any lands and make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for their purposes, doing thereby as little damage as possible to the owner or owners thereof.

Proceedings in  
case trustees and  
owner or owners  
cannot agree as  
to compensation  
for lands.

3. *And be it enacted*, That in case said school trustees cannot agree with the owner or owners or other persons interested in any lands which said school trustees may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, for the purposes of their building, or cannot agree with the owner or owners for the whole or any part of any lands as to the amount of compensation to be paid for such taking, use, diversion, or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said school trustees, and upon two weeks' previous notice, served in person, or by leaving at the dwelling house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent

Justice of su-  
preme court to  
appoint commis-  
sioners to ascer-  
tain and assess  
value of land.

Refusal to serve  
judge to appoint  
another.

commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands, by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said trustees of the lands, by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or to the taking of said lands, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said land that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury, which he, she or they may sustain by reason of anything done under this act, as if this act had not been passed.

Trustees to exhibit to commissioners a description, &c., of lands to be taken.

Commissioners to ascertain and assess the value, &c.

Proviso.

4. *And be it enacted*, That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the value and damages so awarded; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same, shall vest in said corporation the lands, by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals.

Trustees to pay owner the value and damages awarded.

Upon payment, &c., title vested in the corporation.

Parties aggrieved  
may appeal to the  
circuit court.

Court may order  
a struck jury to  
try any appeal.

Right of appeal  
not to be waived  
by acceptance of  
amount awarded.

5. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands, as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be empaneled and sworn to try any such appeal, to view the premises in question during said trial, and the right of said trustees to appeal from and dispute the correctness of any award, shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CLIX.

A Further Supplement to an act entitled "An act to regulate elections" (Revision), approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any candidate at any election in this state for member of the senate or member of the assembly shall have reason to believe that an error has been made in any board of election or of canvassers in counting the vote or declaring the result of such election, whereby the result of such election has been changed, such candidate shall within ten days after such election be empowered to apply to any justice of the supreme court of this state, who shall be authorized to order and cause a recount of such votes to be publicly made under the direction of the court, by the county clerk or such other officer as the said justice may designate, after due notice to the parties interested of the time and place of such recount; and if it shall appear upon such recount of the ballots cast at such election that an error has been made sufficient to change the result of such election, as declared by any board of canvassers, then such justices of the supreme court shall be authorized and empowered to revoke the certificate of election already issued to any person as member of the senate or member of the assembly, and shall order to be issued in its place another certificate, duly attested under the seal of the county, to the party who shall be found to have received a majority of the votes cast at such election, which latter certificate shall supersede all others, and entitle the holder thereof to the same rights and privileges as a member of the senate or member of the assembly, as if said certificate had been issued by the county board of canvassers.

Justice of supreme court may order a recount of votes upon application of candidate.

Justice authorized to revoke certificate of election if an error has been made sufficient to change result and issue a certificate.

Certificate of justices to be certified by county clerk.

County clerk to transmit to secretary of state a copy.

Applicants for recount to file bond conditioned for payment of costs.

Compensation and expenses of recount, &c., how fixed and determined.

Repealer.

2. *And be it enacted*, That whenever any such certificate shall be issued by any justices of the supreme court, the clerk of the county shall certify the same to be full, true and correct, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver the same to any person who shall be so elected; and said clerk shall within five days thereafter transmit to the secretary of state, at Trenton, a copy of such certificate, signed with his own hand and attested by the seal of the county.

3. *And be it enacted*, That any applicant for such recount shall file with the county clerk a bond with two or more sureties, to be approved by the justice holding the county circuit, or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the original count be confirmed, or the result of such recount is not sufficient to change the result as declared by the board of county canvassers; and that said justice shall be empowered to fix and determine the amount of compensation to be paid for making such recount of the ballots; and if it shall appear that an error sufficient to change the result shall have been made by any board of canvassers, then the expense of such recount shall be paid by the collector of the county, upon the warrant of said justice, the same as other election expenses are paid; but if no error shall appear sufficient to change such result, then the expenses of such recount shall be paid by the party making the application.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

5. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 11, 1880.

## CHAPTER CLX.

An Act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to authorize the formation of railroad corporations and to regulate the same, approved April second, one thousand eight hundred and seventy-three, which reads as follows:

"17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, work shops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross such piers and bridges as they may deem expedient, and that all lands, tenements, hereditaments and real estate acquired by any such company, not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings, shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may lie in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation, incorporated under this act at any time

Section to be amended recited.



during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads, or any other points within or without this state; *provided, however*, that nothing in this act shall authorize any railroad companies, incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act more than they may be authorized to charge by the provisions of their respective acts of incorporation," be and the same hereby is amended so as to read as follows:

Companies incorporated may purchase, have and hold real estate, and erect depots, warehouses, work-shops, &c.

17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, work-shops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient; and that all lands, tenements, hereditaments and real estate acquired by any such com-



pany not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may be, in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation, incorporated under this act, or under any of the laws of this state, at any time during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate, as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads or any other points within or without this state; *provided, however,* that nothing in this act shall authorize any railroad companies incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act, more than they may be authorized to charge by the provisions of their respective acts of incorporation.

Lands, &c., not used, &c., to be assessed as other property.

Authorized to lease road or to unite, consolidate and merge stock, &c., with any other company.

Provided.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1880.

vene the laws or constitution of this state or of the United States; and to elect, by ballot or otherwise, as the said constitution shall prescribe, a president, three managers, a treasurer and a clerk, who shall be members of the said company, whose several duties and terms of office, and the filling of any vacancy or vacancies therein, and all matters not herein provided for, shall be regulated by the constitution and by-laws of the company.

President and managers shall cause surveys, maps, &c., to be made.

Owners of lands to meet.

Survey, and maps &c., to be open to inspection.

4. *And be it enacted*, That the president and managers of any company, formed in pursuance of this act shall, within one year after the organization of the same, as aforesaid, make or cause to be made a survey of the exterior limits or boundaries of such body or tract of land over which the tidewater flows, and which may be reclaimed, and shall cause each owner's share within said limits to be strictly measured, and a correct plot or map of the same to be made, exhibiting the entire bounds of the survey; as, also, the owner's name and number of acres held by each owner respectively; and after they have made or caused to be made such a survey and map as aforesaid, they shall give ten days' notice in writing to each of the owners of said land, or by three weeks' notice by advertisement in one or more newspapers printed and published in the county wherein said lands are situated, that a meeting of the owners of said lands will be held in the city, borough, or township nearest to the place where said lands lie, at a certain time and place in said notice to be named, and that they will then and there have present said survey and map; and that said president and managers shall, at such meeting so called, make a public exhibit of their said survey and map, with the names of the owners and the number of acres owned by each as aforesaid, and shall hear any objections that may be made to the same and shall make such corrections and amendments thereto as the said president and managers, or a majority of them, shall deem just and right, which said survey and map, corrected and amended, if any corrections or amendments thereto be made, shall be endorsed with a certificate of said president and managers, or a majority of them, that said survey and map is correct and true according to the best of their skill and understanding, and

the same shall be filed with the clerk of the county where such lands are situate, and the same so filed shall be final and conclusive against all parties concerned, and shall be the basis upon which all assessments of taxes for the purposes of this act shall be made.

Survey and maps to be filed with county clerk.

5. *And be it enacted*, That it shall and may be lawful for any said company formed in pursuance of this act, to construct in and across any stream of water that may flow through their said lands, at the most convenient points thereupon, above any established wharf or landing and above where navigation for sailing and other vessels engaged in the transportation of passengers, goods, wares, and merchandise at ordinary high water ceases, or may be obstructed, otherwise than by any such dam or bank, good and sufficient banks, dams, sluices, flood-gates or pipes, or any or either of them with the necessary foundations and abutments, and to do all necessary work in and about the construction of the same that will the more effectually exclude the tide from such land, and after the same are constructed to maintain and keep in suitable and proper repair; and for the purpose of making and constructing such bank or dam, to take and use any earth, mud, sod or other materials in any part of said lands, the most convenient thereto, and to have free ingress and egress for themselves, their employees and teams through any part thereof, doing no unnecessary damage to the owners thereof; and if any unnecessary damage should be done to any of said owners, such damage to be assessed by three disinterested persons mutually chosen by such aggrieved owner and the managers of said company, and the decision of any two of such arbitrators shall be final, and the amount of damages so assessed shall be paid by the said company forthwith.

Lawful for company to construct banks, dams, sluices, flood-gates, &c.

May enter upon lands, &c.

Damages how assessed and paid.

6. *And be it enacted*, That on and after such map shall have been filed as aforesaid, then the president and managers of any such company, or a majority of them, shall have full power and authority to select the location and to construct any such dam or other water works in such way and of such materials and of such character and dimensions as they may think necessary and proper to carry into full effect this act, and to assess the owners of the lands included in said company rateably according

President and managers empowered to construct dams, &c., and to assess owners of lands for cost of building, &c.

To determine the  
payment of as-  
sessments, &c.

to the number of acres thereof severally held by them, in such sum or sums of money as shall be necessary for the erection of the said banks, dams, and other water works, and from year to year so to assess such sum or sums of money as they may deem necessary to be raised for repairing and maintaining the said banks, dams, and other water works, and for redeeming and cancelling the bonds of such company and for paying off and discharging the interest due thereon; they shall determine the time or times of payment of such assessments, and shall make out and deliver a specific duplicate in writing thereof to the treasurer of the company forty days before the time or times of payment appointed therein; and the said duplicate, or a copy thereof, duly certified by said treasurer, shall be by him immediately filed in the clerk's office of the county wherein said lands are situate, and the same so filed shall be sufficient notice of the lien upon said lands, and a full receipt for any such assessment given by such treasurer to any such owner, or a duplicate copy thereof filed in such clerk's office, shall be notice of the release of the lien of the assessment so receipted for.

If owners neglect  
or refuse to pay  
amount assessed,  
the managers em-  
powered to sue for  
the same.

7. *And be it enacted*, That if any of said owners shall neglect or refuse to pay the sum or sums on them severally assessed from time to time, for the space of thirty days after the same shall have been demanded by the treasurer, in person or by notice in writing left at the usual place of abode of each owner, or in case such owner is a non-resident, then to his agent or tenant in possession, then it shall and may be lawful for the said managers, or a majority of them, at their option, in the name of the company, to sue for and recover the amount so assessed and remaining unpaid, from the owner or owners as aforesaid, or from his, her or their legal representative, with interest and cost of suit by an action of debt in any court of competent jurisdiction in this state, and give the said assessment and this act in as conclusive evidence for the plaintiffs, and the said court is hereby empowered to give judgment and grant execution for the same with costs of suit.

Assessments to  
remain a lien un-  
till paid.

8. *And be it enacted*, That all assessments which shall be assessed by any company formed in pursuance of this

act, upon any lands included in said company, and shall remain a lien thereon from the time of filing of such assessment as aforesaid, until paid or otherwise satisfied; notwithstanding any subsequent descent, demise, alienation, mortgage or other incumbrance thereof; and if the full amount of any such assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the managers of any such company, or the majority of them, to cause the said lands, or such parts thereof as they shall think proper, to be sold at public auction for the shortest term which any person will agree to take the same and pay such assessment or the balance thereof remaining unpaid, with interest thereon, and all costs, charges and expenses, including costs of advertising, selling and executing the deeds; and to make and execute under the seal of the company and deliver to the purchaser a deed for the same, and such purchaser, his, her or their legal representatives, shall by virtue thereof lawfully hold and enjoy the said lands for his, her or their own use, against the owner or owners thereof, and all persons claiming under him, them or any of them, until his, her or their term therein shall be completed and ended; and shall be at liberty at or before the end of his, her or their term to remove any building or buildings and materials erected and placed thereon by him, her or them, and when said term shall have been ended, shall peaceably and quietly yield up the said lands to the legal owner or owners thereof, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and the elements excepted.

Lawful for the managers to cause lands to be sold at public auction if assessment is not paid.

9. *And be it enacted*, That before making any sale by virtue of this act, it shall be the duty of such managers, or a majority of them, to give notice of the time and place of said sale by advertisement signed by themselves and inserted in one or more newspapers printed and published nearest to the place in the county in which said lands are situate for at least sixty days, once in each week, before the time appointed for such sale, and also set up, for the same period, in at least ten of the most public places in the township wherein said lands may lie, which advertise-

Notice of sale to be given and published.

ment shall mention a short description, with metes and bounds, of said lands, the amount of the assessment due, and the owner or reputed owner's name and the said lands so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money with interest thereon, and all expenses and charges necessarily incurred thereon by the purchaser or purchasers aforesaid, and in case the same shall be redeemed as hereinbefore provided for by the mortgagee or mortgagees, or, if the said mortgagee or mortgagees shall have paid any assessment with interest and costs thereon to prevent the said lands from being sold, to pay the same, then in that case the whole amount of payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon said lands in the same manner in all respects as if the same were included in and intended to be secured thereby, and any mistake in the name or names of the owner or owners, or omission to name the real owner of any said lands making any such assessment, shall not invalidate the said assessment or the sale of said lands as aforesaid, and it shall be lawful for the tenant in possession of said lands upon which any such assessment may be a lien, to pay the same, if not paid within the time limited, and the receipt of the treasurer of said company therefor shall be a receipt of the tenant for so much rent paid.

Lands may be redeemed by the owner or mortgagee.

Mistake in name not to invalidate sale.

Owner and occupier of meadow and land to cause their lands to be drained, &c.

On failure of owner, managers to drain lands, &c.

10. *And be it enacted*, That as soon as such dam or other water works are constructed as is provided for in this act, it shall be the duty of each and every owner and occupier of the said meadow and low lands included in any said company to cause his, her or their respective portion or shares thereof to be thoroughly and effectually drained as is in the judgment of the managers, or of a majority of them deemed necessary to secure the improvement of the said meadow and low lands, contemplated by the provisions of this act, and in case of default of the performance on the part of the said owners or occupiers to drain the same and to keep the same drained as aforesaid, after twenty days' notice, in writing, signed by the president and served upon the owner, his

tenant or agent, it shall be lawful for the said managers, or a majority of them, to cause the same to be done, and all costs and expenses for doing the same, shall be assessed upon the premises so drained, and shall be a lien thereon, and shall be collected as is provided in this act for the collection of other assessments. Costs and expenses to be assessed and remain a lien

11. *And be it enacted*, That it shall and may be lawful for the president and managers of any company formed in pursuance of this act, and they are hereby empowered to borrow any sum or sums of money for the erection and construction, maintaining and repairing of such dams, banks, and other water works, as the said company may from time to time order and direct, and may issue bonds of said company therefor, and for the security of the payment thereof, all the lands included in any said company shall be a pledge for the payment of its respective share, in whose lands the same may come. Managers empowered to borrow money, and issue bonds, &c.

12. *And be it enacted*, That this act shall not apply to or affect any stream or body of water (or any meadow, marsh, swamp or low land through which the same may flow or in which the same may be) bordering upon which or lying adjacent to which there shall be more than two hundred acres of meadow, marsh, swamp or low land; that the legislature may at any time, alter, amend or repeal the charter of any company created under this act. Act not to apply or affect certain streams, &c.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CLXIV.

An Act respecting the salaries and compensation of clerks of counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state Salary of county clerks to be paid by the county collector.



Fees, costs, &c.,  
how taxed, and  
by whom collect-  
ed.

as to which it is now or shall hereafter be provided by law that the compensation of the county clerks shall be by annual salary, the said salary shall be in lieu of all fees, costs or other remuneration or compensation whatsoever for any and all services required to be performed by said clerks, and shall be paid to said clerks in quarterly payments by the collectors of said counties respectively, and all fees, costs and compensation that are now allowed said clerks for services in the courts of said counties shall be taxed in all bills of costs the same as they are now taxed, and shall be, in each county, collected by the sheriff, and be by him paid over to the county collector for the use of the county; and the fees now allowed by law for all other services rendered by the said clerks shall be by them collected and paid over to the said collectors respectively.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this shall be a public act and take effect immediately, saving and excepting that so far as the same increases or diminishes the salary, fees or compensation of any of said clerks now in office during the term for which said clerk was elected or appointed, it shall take effect only upon and immediately after the end of such term.

Proviso.

Approved March 11, 1880.

## CHAPTER CLV.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Overseers of roads  
to keep accurate  
accounts of all  
work and labor  
performed in  
books.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any of the townships of this state, where the highways are opened, cleared out, made, worked, amended, repaired and kept in order



by hire, the town committee of such township or townships may at their discretion provide the overseers of the roads of the respective districts in their townships, with books, in which said overseers shall set down and keep accurate accounts of all work and labor done by each man and team on the roads in their respective road districts, and they shall submit their respective books containing said accounts, properly verified, under oath, to the town committee of the township in which said road district is situate, on or before the first Saturday in December of each year, for their examination, and when said accounts are examined and marked approved by the said town committee, the amount so found due to each and every person owing tax to the township shall be credited thereon, and be deducted by the collector of taxes of said township from the amount of tax due from such person.

Books to be verified by oath.

Amounts due to persons owing tax shall be credited by collector.

2. *And be it enacted*, That in the townships in this state where said highways are opened, cleared out, made and worked by hire, the amount paid for labor by men and teams thereon, shall not exceed the ordinary price paid for such labor to other parties for similar work in their respective neighborhoods.

Amounts paid for labor, &c., not to exceed the ordinary price.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 11, 1880.

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## CHAPTER CLXVI.

A Further Supplement to the act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Secretary of state  
and clerks to  
make a full state-  
ment to the  
comptroller of  
sums charged and  
included in taxed  
bills of costs, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, within ten days after the close of each term of the courts of which they are respectively the clerks, to make a full and itemized statement and return to the comptroller of the treasury of this state, of the sums which they have respectively charged and included in taxed bills of costs, or which may have accrued in any case, or which they have received under the provisions of section two of this act, during said term, for any costs or fees taxable, or to be received by them as aforesaid, in regard to or for the services of the chancellor, the chief justice and the associate justices of the supreme court, respectively, under any law now or hereafter in force fixing such costs or fees, which statements shall be made under oath and upon blanks containing a form of the said statement and oath, to be furnished to said clerks by said comptroller, and shall be filed in his office.

Fees for orders,  
writs, &c. to  
whom paid.

2. *And be it enacted*, That the fees now or hereafter fixed by law for any order made, writ allowed, rule or motion granted, or other service rendered by said chancellor, chief justice or associate justices shall, when the same is made, allowed, granted or rendered at chambers and not in open court, be paid to and demanded and received by the clerk of the court to which the same may appertain, at the time of the filing of said order or writ or the entry of said rule, or the entry under said motion or other services, in the minutes of the court or in the docket of the clerk thereof; and the clerk of the court who may receive the same shall include the amount received in the statement in this act required to be made to said comptroller, and also in the amount to be paid by him to the treasurer of this state, under section three of the act approved February ninth, one thousand eight hundred and eighty, entitled "A supplement to an act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Clerk to include  
amount in his  
statement.

3. *And be it enacted*, That every court clerk whose duty it is made by section one of this act to render a statement and return of the fees and costs charged and received by him as aforesaid, during each term, is hereby authorized to retain for his own use five per centum on what he may collect of the amount shown or contained in each statement and return so made by him, after first paying the balance of the amount so collected, to the state treasurer, and receiving from the said comptroller a certificate showing upon or in relation to what statement and return the payment is made, and that the said five per centum is properly allowed and deducted; said payments to be made to said state treasurer quarterly as now required by section three of said act approved February ninth, one thousand eight hundred and eighty, entitled "A supplement to an act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Every clerk authorized to retain five per centum of amount collected.

Payments to be made quarterly.

4. *And be it enacted*, That this act shall only apply to the costs and fees taxable in regard to or for the services of said chancellor, and in regard to or for the services of any justice of the supreme court who may now or hereafter receive or accept, by law, a fixed salary or compensation in lieu of fees.

Act how to apply.

5. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March.11, 1880.

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## CHAPTER CLXVII.

**An Act concerning past due assessments in certain cities of this state.**

## Preamble.

WHEREAS, In certain cities of this state, many of the benefit assessments for local improvements heretofore made by commissioners against the owners of lands and real estate claimed to have been specially benefited thereby, were laid upon illegal and erroneous principles and without regard to the peculiar benefit derived by reasons thereof as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; *and whereas*, collections thereof cannot be enforced by the corporate authorities of such cities, but such assessments are liable to be vacated by the courts; *and whereas*, in many instances, the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore,

Common council empowered to rebate and reduce assessments or may arbitrate assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or governing body of any city, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; *and further*, that such award may at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such city may be situate, and from and after the entry thereof, such owner or owners shall be personally liable for the payment of the amount so awarded.

On failure of council to arbitrate, owner or owners may ap-

2. *And be it enacted*, That in case such common council or other governing body shall refuse to arbitrate such

illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days' notice in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign an award or report in writing, stating therein the amount of such peculiar benefit; the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

ply to justice of  
supreme court for  
appointment of  
arbitrators.

Arbitrators to  
make awards, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CLXVIII.

An Act to enable parties to whom awards have been made, over six years ago for damages resulting from change of grade to recover the same by suit if payment thereof is refused.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever heretofore, at any time, even although more than six years have elapsed, the city council, board of aldermen or other governing

Assessment of  
damages and  
benefits assessed  
heretofore con-  
firmed to be paid.

Failure of city to  
pay parties may  
sue and recover  
award.

Amount how  
raised.

body of any city in this state have confirmed the assessment of damages allowed and benefits assessed by change of grade of any street or part of a street in any such city and the city treasurer or other proper financial officer has been directed to tender and pay the damages allowed on said assessment and the same have not been paid, that such city shall pay said damages to the party or parties to whom awarded and who are now entitled thereto and on failure to make such payment any party entitled to such damages and to whom an award has been made, may if payment is refused, sue therefor and in such suit shall recover so much of said award, and only so much, as the jury shall find will pay for the damages his property sustained by such change of grade; the amount of all such payment shall be raised by taxation in the next tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

## CHAPTER CLXIX.

An Act limiting the time for commencing actions against assignee of any person or persons making an assignment for the benefit of his or their creditors.

Actions of trespass or replevin to be commenced and sue within nine months after assignment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all actions of trespass or replevin, or other action whatsoever, against the assignee, as such, of any person or persons making an assignment for the benefit of his or their creditors, under the laws of this state, in that behalf, shall be commenced and sued within nine months from and after the date of said assignment, and not afterwards.

Rights of action to be commenced and prosecuted within nine months.

2. *And be it enacted*, That all persons now having any right of action against the assignee, as such, of any person or persons who may have made an assignment for

the benefit of his or their creditors, prior to the passage of this act, shall commence and prosecute such action within nine months from and after the passage of this act, and not afterwards.

3. *And be it enacted*, That nothing in this act contained shall be construed to affect or relate to the proceedings in the orphans' court on the filing of the final account of any such assignee, as now provided by law. Act not construed to affect proceedings in orphans' court.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this shall be a public act and take effect immediately. Repealer.

Approved March 12, 1880.

## CHAPTER CLXX.

An Act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings to foreclose mortgages hereafter commenced, no decree shall be rendered therein for any balance of money which may be due complainant over and above proceeds of the sale or sales of the mortgaged property, and no execution shall issue for the collection of such balance under such foreclosure proceedings. No decree to be rendered in foreclosure suits for balance of money due over and above proceeds of sale.

2. *And be it enacted*, That in all cases where a bond and mortgage has or may hereafter be given for the same debt, it shall be lawful to proceed first to foreclose the mortgage, and if at the sale of the mortgaged premises under said foreclosure proceedings the said premises should not sell for a sum sufficient to satisfy said debt, interest and costs, then and in such case it shall be lawful to proceed on the bond for the deficiency, and that in all suits on said bond, judgment shall be rendered When premises sold do not bring amount to satisfy debt, it may be lawful to proceed on bond for deficiency.

and execution issue only for the balance of debt and costs of suit.

When persons recover a judgment for balance of debt, the foreclosure and sale of premises shall be opened, and the owner may redeem property.

3. *And be it enacted*, That if after the foreclosure and sale of any mortgaged premises the person who is entitled to the debt shall recover a judgment in a suit on said bond for any balance of debt; such recovery shall open the foreclosure and sale of said premises, and the owner of the property at the time of said foreclosure and sale may redeem the property by paying the full amount of money for which the decree was rendered with interest, to be computed from the date of said decree, and all cost of the proceedings on the bond; *provided*, that a suit for redemption is brought within six months after the entry of such judgment for the balance of the debt.

Proviso.

Sheriff or other officers to report sale to court, with name of purchaser and price, &c.

4. *And be it enacted*, That in all foreclosure proceedings hereafter commenced, the sheriff or other officer who may be directed to sell any mortgaged premises, shall, after making such sale, report the same within five days thereafter to the court out of which an execution or order to sell is issued, stating the name of the purchaser or purchasers and the price obtained, and if the said court, or a judge thereof, shall approve of such sale, they shall confirm the same as valid, effectual in law, and shall, by rule of court allowed in open court, or by a judge thereof at chambers, direct the said sheriff or other officer to execute good and sufficient conveyance in law to the purchaser or purchasers for the mortgaged premises so sold; *provided*, that no sale of mortgaged premises shall be confirmed by the court or further proceedings had until the court, or such judge, is satisfied by evidence that the property has been sold at the highest and best price the same would then bring in cash, and such evidence may be in the form of affidavits.

Proviso.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.



## CHAPTER CLXXI.

A Further Supplement to the act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every deed or conveyance of lands, tenements or hereditaments, lying and being in this state, to any purchaser of the same, which shall be made and executed on or after the fourth day of July, in the year of our Lord one thousand eight hundred and eighty, shall be void and of no effect against a subsequent judgment creditor or *bona fide* purchaser or mortgagee for a valuable consideration, not having notice thereof, unless such deed or conveyance shall be acknowledged or proved and recorded, or lodged for that purpose with the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, with the register of deeds and mortgages of the county in which such lands, tenements and hereditaments are situated, within fifteen days after the time of signing, sealing and delivering the same; *provided, nevertheless*, that such deed or conveyance shall, as between the parties and their heirs, be valid and operative.

Conveyance of lands to be void against judgment creditors, purchasers, &c., unless conveyance shall be recorded within a certain time.

Provided.

2. *And be it enacted*, That when any deed or conveyance, hereafter recorded, shall not be recorded, as above provided, within fifteen days after the time of signing, sealing and delivering the same, such deed or conveyance shall not operate against any *bona fide* purchaser for a valuable consideration, not having notice thereof, whose deed or conveyance for the same lands, tenements and hereditaments shall be previously recorded, or lodged for that purpose with the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, with the register of

When deeds are not to operate against a bona fide purchaser.

deeds and mortgages of the county in which such lands, tenements and hereditaments are situated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXII.

### An Act concerning cities.

Certain cities  
may borrow money  
and issue  
bonds to amount  
of floating indebtedness.

Bonds how issued.

Proviso.

Unlawful to incur  
any temporary or  
floating indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city within this state, having a population of not less than twenty-five thousand inhabitants, and having a floating or unbonded debt which the available funds of such city are insufficient to pay, by and through its common council or other body having control of its finances, to borrow money to the amount of such floating or unbonded indebtedness and to issue bonds therefor; said bonds to be issued in any manner provided by the charter of said city for the issuing of other bonds, to be made payable in twenty years or less from their date, to bear not more than six per centum interest, and to be sold at not less than par; *provided*, that this act shall not authorize any such city to increase its funded debt of every kind and description above the amount of one million one hundred thousand dollars.

2. *And be it enacted*, That from and after the passage of this act, it shall not be lawful to incur any further temporary or floating indebtedness, unless the payment of the same shall have been already provided for by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 12, 1880.

## CHAPTER CLXXIII.

An Act relating to acts and joint resolutions in the hands of the governor, and not approved by him on the final adjournment of each session of the legislature, or presented to him after said adjournment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bill or joint resolution passed by the legislature of this state which shall remain in the hands of the governor, not approved by him, on the final adjournment of any session of said legislature, or shall be presented to him for his approval after said adjournment, shall become a law unless he shall deliver the same with or without his approval to the secretary of state of this state within thirty days after said adjournment.

All bills and joint resolutions after adjournment of legislature to be approved by the governor within thirty days.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this shall be a public act, and take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXIV.

An Act authorizing the inhabitants of the respective townships in the several counties of this state to purchase lands on which to keep and maintain the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful

Legal voters of townships may authorize township committees

to purchase and hold lands for keeping and maintaining the poor.

for the inhabitants of the respective townships in any of the counties of this state in which there are not provisions for maintaining the poor by counties, to purchase and hold in the corporate name of the township any tract or tracts of land and real estate lying contiguous, not exceeding in the whole three hundred acres, and not costing more than ten thousand dollars, for the purpose of keeping and maintaining the poor of said township thereon, whenever a majority of the legal voters of any such townships, at their regular town meeting, or at any special town meeting called for that purpose, shall authorize the township committee of such township to make such purchase.

Notice of meeting to be given by advertisement.

2. *And be it enacted*, That at least ten days' notice in writing shall be given, by advertisements, signed by not less than ten of the legal voters and taxpayers of said townships, posted in ten or more public places in said township, giving notice that at the next annual town meeting, and in case a special town meeting be called for that purpose, then at such special town meeting, it will be decided by the vote which shall be cast whether or not the said township committee shall purchase for said township a tract or tracts of land as aforesaid, for the purpose of keeping and maintaining the poor of said townships.

Question of purchasing lands to be determined by ballot.

3. *And be it enacted*, That at every such town meeting the question of purchasing a tract or tracts of lands as aforesaid, for the purpose aforesaid, shall be determined by ballot, in the same manner and upon the same ballot by which the officers of said township are elected; that those desiring to vote in favor of such purchase shall do so by a written or printed ballot containing the words "purchase a farm for the poor," and those desiring to vote against such purchase shall do so by a written or printed ballot containing the words "no purchase of a farm for the poor."

Township committee to purchase tract or tracts of land when majority of votes decide in favor.

4. *And be it enacted*, That if a majority of votes cast at any such town meeting shall be in favor of making such purchase, then it shall be the duty of the township committee of such township to purchase such tract or tracts of land as they shall deem most suitable and convenient for the purpose, and shall take a deed therefor in the

corporate name of such township; and that in order to pay for said land, said township committee are empowered to borrow money and to give a promissory note or notes therefor, payable at any time within three years, after nine months, with interest, to be signed by them as "committee of the township of

May borrow money to pay for lands, and give a note or notes,

(naming the township), and countersigned by the clerk of said township, and that said clerk shall keep a record of said note or notes in the town book, showing the date, amount, when payable, and to whom given, and that the inhabitants of said township and the property thereof shall be liable to the lawful holder of said notes for the payment thereof, and that any action brought thereon shall be brought against the inhabitants of the township (naming the township); or if deemed more expedient, said township committee may execute their bond in the same manner that they are authorized to execute said notes, and secure the same by a mortgage on the lands so purchased.

Committee may execute bond, &c.

5. *And be it enacted*, That it shall be the duty of the said township committee each year to furnish the assessor of said township with the amount of the principal and interest of said notes or bonds which mature within the year; and that it shall be the duty of the assessor to assess, and of the collector to collect the same, with and in the same manner that other taxes for township purposes are assessed and collected, until the moneys sufficient are raised to pay and satisfy said notes, which moneys shall be applied to the payment of said notes as they become due by said committee.

Principal and interest on bonds or notes how assessed and collected.

6. *And be it enacted*, That the township committee of said township are hereby authorized and empowered to make all necessary repairs, or to enlarge the buildings on said land at the time of purchase, or to build new ones, at their discretion, suitable for the purposes intended, and to stock the same, and to find the necessary implements of husbandry to cultivate and improve said land in a reasonable and husbandlike manner, and to rent the same upon such terms as shall be most for the interest of said township and the comfort and happiness of the poor maintained thereon; but that in no case shall said committee expend, by virtue of this section,

Township committee authorized to make repairs, and to purchase and erect buildings and to stock farm, &c.

Amount to be expended and empowered to borrow amount.

Amount how  
appropriated.

more than two thousand dollars, which they are hereby authorized to borrow, and the assessor to assess and the collector to collect in the same manner as the said purchase money may be borrowed, assessed and collected; and that after the first year from the date of said deed the said committee shall expend no money on or about said lands beyond the amount from time to time appropriated for that purpose at the annual town meetings of said township.

Committee  
authorized to  
make rules, &c.

7. *And be it enacted*, That said committee are authorized to make all necessary and proper rules and regulations for the management, control and health of the poor of said township kept and maintained on said land and premises.

Poor of township  
to be kept and  
maintained on  
said land, &c.

8. *And be it enacted*, That all the poor of said township shall be kept and maintained on the said lands and premises; and in case any poor person or persons, claiming and entitled to relief of any township where lands have been purchased for keeping and maintaining the poor as aforesaid, shall refuse to be lodged, kept to work and maintained on such lands and premises, the names of such poor person or persons so refusing shall be erased from the book where the names of the poor are ordered to be registered by virtue of the act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four, and shall not be entitled to ask or receive any relief from the overseer of any such township.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXV.

Supplement to the act entitled "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," approved February twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," which reads as follows, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the minutes and proceedings of the municipal boards of which were authorized by act of the legislature, to be published, and the official newspapers for such publication were to be designated by one or more of said boards, if the said board or boards, or any or either of them so having the right to designate as aforesaid, shall have designated a newspaper or newspapers as official to publish all legal notices required by the city charter, and the newspaper or newspapers so designated shall have published the official minutes or proceedings of said board or boards, although not designated as official newspapers for that especial purpose, said newspaper or newspapers having been designated as official to publish the minutes and official proceedings previously to the designation to publish said legal notices, and having published said previous minutes and official proceedings and received compensation for such publication, it shall be lawful for the proprietor or proprietors of said official newspaper or newspapers to receive and recover from the city, the board or boards of which shall have made the designation to publish all legal notices as aforesaid, compensa-

Section to be amended recited.

tion for the publication of said official minutes and proceedings subsequent to said designation according to the rates fixed by said board or boards for such publication, or paid by them to such newspaper or newspapers as were especially designated for that purpose; *provided*, that the provisions of this act shall not apply, except in cities of this state having over fifty thousand inhabitants at the last state census," be amended so as to read as follows:

Justice of supreme court to appoint a referee to ascertain amount of compensation publisher of official newspaper is entitled to.

Amount reported to be paid by city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any newspaper appointed as an official newspaper of any city of this state shall have published the official minutes of the proceedings of the municipal boards of said city, and such publication was not duly ordered in the manner prescribed by law, then the justice of the supreme court holding the circuit court in the county where such newspaper is published, shall, upon application made to him for that purpose, appoint a referee, who shall ascertain and report to said judge what amount of compensation the publisher of said official newspaper would have been entitled to receive if the publication of said minutes had been duly ordered according to law; and the amount so reported shall thereupon be paid by the proper municipal authorities of said city.

Approved March 12, 1880.

## CHAPTER CLXXVI.

A Further Supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting the dividing of wards and townships into election districts.

Boundaries of election districts may be changed altered and readjusted, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township, or for the board of



aldermen or common council of any city, at any time prior to the first day of August in any year, to change, alter and readjust the boundaries of the election districts in the township, or in any ward of the several cities of this state, and to consolidate any one district in the township or ward with any other district or part of a district therein, provided that no election district shall be thereby made to contain more than six hundred voters; and when it shall at any time become necessary by reason of an election district containing more than six hundred voters, to alter or divide the same, it shall be the duty of such township committee or common council or board of aldermen to so readjust the whole number of election districts in such township or ward as to make the several districts as nearly equal in population as possible, having reference to the geographical compactness of the several districts and to the convenience of voters.

When election district contains more than six hundred voters may divide or alter the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXVII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of said act be amended so that the same shall read as follows :

"5. *And be it enacted*, That the annual election for trustees to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, or at such time and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will sup-

Section as amended.

Annual election of trustees when held and term of office.

Who entitled  
to vote.

Proviso.

ply the places of those whose term expires ; the trustees chosen at any election subsequent to the first, shall hold their places for three years and until others shall be chosen to succeed them ; the election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, than such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot ; *provided*, that no one person shall vote for more than one hundred plats or lots ; and the persons receiving the largest number of the votes given at such election, shall be trustees to succeed those whose term of office expires ; but in all the elections after the first, the trustees shall be chosen from among the proprietors of lots or plats ; and the trustees shall have power to fill any vacancy in their number, occurring during the period for which they hold their office ; public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

Approved March 12, 1880.

## CHAPTER CLXXVIII.

A Further Supplement to the act entitled "An act respecting mortgages," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Clerks and registers  
to record  
chattel mort-  
gages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks and registers of the several counties of this state be and they are hereby authorized to record in suitable books, to be provided for that purpose, every chattel mortgage hereafter filed in pursuance of the provisions of the act to which this is a supplement, and of the several supplements thereto, and having thereon such certificate of the acknowledgment or

proof of the execution thereof as is or may be required by law for the recording of deeds; which certificate shall be therewith recorded.

2. *And be it enacted*, That no chattel mortgage or conveyance intended to operate as a mortgage of goods and chattels which has been made and not already acknowledged or proved according to law, or which shall hereafter be made, shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances."

No chattel mortgage to be recorded unless acknowledged or proved.

3. *And be it enacted*, That the said clerk or register shall enter at the foot of the record of each mortgage the time when such mortgage was received by him or in his office to be recorded, and shall certify on each mortgage when recorded as aforesaid, the time when it was delivered to him or at his office to be recorded, and the book and page in which it is recorded, and shall, when recorded, deliver the same to the party entitled to it, or to his order.

Duties of clerks or registers.

4. *And be it enacted*, That such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be evidence in the same manner and in like cases as the record of deeds; and the said clerks and registers shall be entitled to the same fees for recording such chattel mortgages and for copying such records as for recording and copying deeds.

Mortgages to be indexed and copies shall be evidence.

Fees, &c.

5. *And be it enacted*, That every chattel mortgage hereafter made, executed and recorded pursuant to the provisions of this act, shall be valid against the mortgagor and his creditors, and against subsequent purchasers and mortgages, until the same be cancelled of record in the manner now provided by law for cancelling of mortgages of real estate.

Chattel mortgages recorded, valid against subsequent purchase, &c.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Repealer.

Approved March 12, 1880.

## CHAPTER CLXXIX.

A Supplement to "An act to authorize certain townships, towns, and cities, to issue bonds and to take the bonds of the Montclair Railway Company" approved April ninth, one thousand eight hundred and sixty-eight.

If any township is unable to pay bonds or interest when due, when validity of same has been determined, the township committee authorized to compromise and settle with holders of bonds and coupons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any township in this state organized under a general or special act has been unable to pay at maturity any bonds lawfully issued by said township, or any of the coupons for interest thereto annexed, or any bonds or interest coupons lawfully issued by any township whose territory has been annexed in whole or part to such township, and for the payment of which bonds and coupons such township is lawfully bound, or whenever any township has contested the validity of any bonds or interest coupons thereto annexed purporting to have been lawfully issued by any officers or commissioners of such township, or by the officers or commissioners of any township whose territory has been annexed in whole or in part to such contesting township, and for the payment of which bonds and coupons, if valid, such contesting township is bound, in any suit brought against such contesting township to enforce the payment of said contested bonds and coupons, or any of them, in the supreme court or in any circuit court of this state, or in the circuit court of the United States for the district of New Jersey, and the validity of the bonds and coupons so contested has been determined by the judgment of either of said courts in such suit, it shall be lawful for the township committee of such township to compromise and settle with the holders of any bonds and coupons of such issue, or any of them, whether due or to become due, or of any judgment thereon, upon the best terms said committee can obtain, and in lieu of and exchange

or any bonds or coupons of such former issue, whether due or to become due, or in satisfaction of any judgment recovered against such township in any suit upon any bonds or coupons of such former issue, to issue new bonds with the common seal of the township thereto affixed and signed by the chairman of the township committee, and countersigned by the treasurer of said committee, of such date, and for such amounts, and payable at such times as shall seem expedient to them, in the corporate name and pledging the faith and revenues of such township for the payment thereof, with coupons for the interest thereon annexed thereto, which bonds shall be numbered by the treasurer of the township committee, and registered by him in a book to be kept for that purpose; *provided*, that the new bonds so issued shall not be made payable at an earlier date, or bear any greater rate of interest than the bonds of the former issue for which they shall be exchanged; or, if the said committee can obtain better terms of settlement with the holders of the bonds or coupons of such former issue, whether due or to become due, or of any judgment thereon, by paying the same in cash, then it shall be lawful for the said township committee to issue the necessary amount of said new bonds, with interest coupons, which shall be numbered and registered as aforesaid, and to sell the same, but at not less than par, and the proceeds of the sale of such new bonds shall be appropriated to the payment of the bonds and coupons of the former issue; *provided, however*, that the new bonds so issued and sold shall not be made payable at an earlier date than the bonds of the former issue, to provide for the payment of which, or any judgment thereon, they are hereby authorized to be made; and the said township committee are hereby authorized and required to cause such sum or sums of money to be annually assessed, levied and collected upon the taxable property of said township, as shall be sufficient to pay such portions of the principal and interest of said bonds as shall become due and payable in each of said years, which assessment levy and collection shall be made at the same time and in the same manner as the ordinary taxes are assessed, levied and collected, and the same when collected shall be ap-

May issue new bonds.

Proviso.

Proviso.

plied to the payment of the principal and interest of said bonds; and the said township committee are also hereby authorized to cause such sum or sums of money as they deem expedient, to be annually assessed, levied and collected in the same manner as aforesaid, to constitute a sinking fund for the payment and redemption of said bonds.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXX.

A Supplement to the act entitled "An act to provide for local improvements by seaside associations," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Board of trustees,  
directors, &c., em-  
powered to make  
and complete im-  
provements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary, in the opinion of the board of trustees, directors, commissioners, or other corporate authorities of any incorporated seaside association, to construct or provide necessary works to supply the inhabitants and premises with artificial light; to keep in repair and improve the streets or avenues already laid out and opened; to remove garbage; and to appoint such peace officers as may be deemed necessary for the purpose of keeping order within the limits and bounds of such seaside associations; it shall be lawful, and said board of trustees, directors, commissioners, or other corporate authorities are hereby empowered to undertake and complete such improvements.

Trustees, &c., to  
appoint one of  
their number to  
keep accounts,  
&c.

2. *And be it enacted*, That such board of trustees, directors, commissioners, or other corporate authorities shall appoint from among their number a suitable and competent person, who shall keep full and complete

accounts in proper books, of all moneys expended in the prosecution of such improvements; which books at all times shall be open to the inspection of the owner or owners of lands and real estate lying within the corporate limits of such seaside associations.

3. *And be it enacted*, That the costs and expenses of such street and other improvements shall be assessed by such board of trustees, directors, commissioners, or corporate authorities of such association, or by a committee thereof duly authorized by them, upon the owner or owners of the lands and real estate benefitted thereby, in proportion as nearly as may be to the benefit each shall receive; *provided, however*, that in no case shall the costs and expenses of said improvement exceed the sum of five dollars per annum on any one lot, as designated and numbered on a map of the property of such association, duly filed with the clerk of any county, as now provided by law.

Costs and expenses of improvements to be assessed upon owner of lands.

Proviso.

4. *And be it enacted*, That when said improvement or improvements are completed, said board or committee, or other corporate authority shall cause a certificate thereof, signed by a majority of said board of trustees, directors, commissioners or other corporate authority, to be filed with their treasurer and kept by him within the corporate limits of such association, open at all times for inspection, which certificate shall show the amount assessed upon each lot, and, as far as possible, the names of the owner or owners of the same, and said treasurer shall be and is hereby authorized to receive and give receipts for all moneys collected by virtue of the provisions of this act.

Certificate of improvements to be made and filed.

5. *And be it enacted*, That all assessments made under the provisions of this act, with all interest to accrue thereon, shall be and remain liens on the lots or lands assessed, and shall be collected in the same manner as is already provided for in the act to which this is a supplement.

Assessments a lien on lots or lands assessed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXXI.

An Act to provide for a reduction in the rate of interest on school district bonds.

Trustees of school districts empowered to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which the corporate bonds of any school district of this state, heretofore lawfully issued, remain unpaid, and bearing by the condition of said bonds interest at the rate of seven per centum per annum, it shall be lawful for the trustees of such school district to make and issue the corporate bonds of such school district, by whatever corporate name it may be designated, bearing interest at a rate not exceeding six per centum per annum, and to an amount not exceeding the amount of the bonds lawfully issued and outstanding in the hands of *bona fide* holders at the time of such new issue; and the proceeds of the sale of such new issue of bonds shall be used in paying off and redeeming bonds of the former issue, and for no other purpose; and such new bonds shall not be sold at less than their par value, nor shall anything in this act be construed to authorize the increase of the indebtedness of any school district, or to authorize the rescinding of existing contracts, but where school district bonds are due and payable, or the holders of the same are willing to surrender them before they are due, the provisions of this act may be availed of to secure a lower rate of interest.

Proceeds of sale of bonds how used, and bonds not to be sold less than par.

Principal and interest of bonds how assessed and collected.

2. *And be it enacted*, That for the purpose of providing for the payment of the interest and the principal of said bonds as they shall severally become due, the district clerk of such district shall notify the assessor or assessors having jurisdiction therein, annually before the first day of July in each and every year, of the amount of money that will be required to pay the interest and principal of such bonds as they shall severally become due, and it



shall be the duty of such assessors to assess the same upon the taxable property in said district, in the same manner as other taxes are assessed; and it shall be the duty of the collector to collect the said taxes in the same manner as other taxes are collected, and pay out the same on the orders of a majority of the trustees of such district, one of whom shall be the district clerk.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

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## CHAPTER CLXXXII.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," which act was approved April twenty-first, in the year one thousand eight hundred and seventy-six, and which section reads as follows :

"1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town or village in this state, having a population of not more than fifteen thousand, and not less than two thousand inhabitants, and for the purpose of supplying such city, town or village and the inhabitants thereof with water," be and the same is hereby amended to read as follows :

Section to be amended recited.

tion for the publication of said official minutes and proceedings subsequent to said designation according to the rates fixed by said board or boards for such publication, or paid by them to such newspaper or newspapers as were especially designated for that purpose; *provided*, that the provisions of this act shall not apply, except in cities of this state having over fifty thousand inhabitants at the last state census," be amended so as to read as follows:

Justice of supreme court to appoint a referee to ascertain amount of compensation publisher of official newspaper is entitled to.

Amount reported to be paid by city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any newspaper appointed as an official newspaper of any city of this state shall have published the official minutes of the proceedings of the municipal boards of said city, and such publication was not duly ordered in the manner prescribed by law, then the justice of the supreme court holding the circuit court in the county where such newspaper is published, shall, upon application made to him for that purpose, appoint a referee, who shall ascertain and report to said judge what amount of compensation the publisher of said official newspaper would have been entitled to receive if the publication of said minutes had been duly ordered according to law; and the amount so reported shall thereupon be paid by the proper municipal authorities of said city.

Approved March 12, 1880.

## CHAPTER CLXXVI.

A Further Supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting the dividing of wards and townships into election districts.

Boundaries of election districts may be changed altered and readjusted, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township, or for the board of

aldermen or common council of any city, at any time prior to the first day of August in any year, to change, alter and readjust the boundaries of the election districts in the township, or in any ward of the several cities of this state, and to consolidate any one district in the township or ward with any other district or part of a district therein, provided that no election district shall be thereby made to contain more than six hundred voters; and when it shall at any time become necessary by reason of an election district containing more than six hundred voters, to alter or divide the same, it shall be the duty of such township committee or common council or board of aldermen to so readjust the whole number of election districts in such township or ward as to make the several districts as nearly equal in population as possible, having reference to the geographical compactness of the several districts and to the convenience of voters.

When election district contains more than six hundred voters may divide or alter the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXVII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of said act be amended so that the same shall read as follows :

"5. *And be it enacted*, That the annual election for trustees to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, or at such time and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will sup-

Section as amended.

Annual election of trustees when held and term of office.

Who entitled  
to vote.

Proviso.

ply the places of those whose term expires ; the trustees chosen at any election subsequent to the first, shall hold their places for three years and until others shall be chosen to succeed them ; the election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, than such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot ; *provided*, that no one person shall vote for more than one hundred plats or lots ; and the persons receiving the largest number of the votes given at such election, shall be trustees to succeed those whose term of office expires ; but in all the elections after the first, the trustees shall be chosen from among the proprietors of lots or plats ; and the trustees shall have power to fill any vacancy in their number, occurring during the period for which they hold their office ; public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

Approved March 12, 1880.

## CHAPTER CLXXVIII.

A Further Supplement to the act entitled "An act respecting mortgages," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Clerks and regis-  
ters to record  
chattel mort-  
gages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks and registers of the several counties of this state be and they are hereby authorized to record in suitable books, to be provided for that purpose, every chattel mortgage hereafter filed in pursuance of the provisions of the act to which this is a supplement, and of the several supplements thereto, and having thereon such certificate of the acknowledgment or

proof of the execution thereof as is or may be required by law for the recording of deeds; which certificate shall be therewith recorded.

2. *And be it enacted*, That no chattel mortgage or conveyance intended to operate as a mortgage of goods and chattels which has been made and not already acknowledged or proved according to law, or which shall hereafter be made, shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances."

No chattel mortgage to be recorded unless acknowledged or proved.

3. *And be it enacted*, That the said clerk or register shall enter at the foot of the record of each mortgage the time when such mortgage was received by him or in his office to be recorded, and shall certify on each mortgage when recorded as aforesaid, the time when it was delivered to him or at his office to be recorded, and the book and page in which it is recorded, and shall, when recorded, deliver the same to the party entitled to it, or to his order.

Duties of clerks or registers.

4. *And be it enacted*, That such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be evidence in the same manner and in like cases as the record of deeds; and the said clerks and registers shall be entitled to the same fees for recording such chattel mortgages and for copying such records as for recording and copying deeds.

Mortgages to be indexed and copies shall be evidence.

Fees, &c.

5. *And be it enacted*, That every chattel mortgage hereafter made, executed and recorded pursuant to the provisions of this act, shall be valid against the mortgagor and his creditors, and against subsequent purchasers and mortgages, until the same be cancelled of record in the manner now provided by law for cancelling of mortgages of real estate.

Chattel mortgages recorded, valid against subsequent purchase, &c.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Repealer.

Approved March 12, 1880.

## CHAPTER CLXXIX.

A Supplement to "An act to authorize certain townships, towns, and cities, to issue bonds and to take the bonds of the Montclair Railway Company" approved April ninth, one thousand eight hundred and sixty-eight.

If any township is unable to pay bonds or interest when due, when validity of same has been determined, the township committee authorized to compromise and settle with holders of bonds and coupons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any township in this state organized under a general or special act has been unable to pay at maturity any bonds lawfully issued by said township, or any of the coupons for interest thereto annexed, or any bonds or interest coupons lawfully issued by any township whose territory has been annexed in whole or part to such township, and for the payment of which bonds and coupons such township is lawfully bound, or whenever any township has contested the validity of any bonds or interest coupons thereto annexed purporting to have been lawfully issued by any officers or commissioners of such township, or by the officers or commissioners of any township whose territory has been annexed in whole or in part to such contesting township, and for the payment of which bonds and coupons, if valid, such contesting township is bound, in any suit brought against such contesting township to enforce the payment of said contested bonds and coupons, or any of them, in the supreme court or in any circuit court of this state, or in the circuit court of the United States for the district of New Jersey, and the validity of the bonds and coupons so contested has been determined by the judgment of either of said courts in such suit, it shall be lawful for the township committee of such township to compromise and settle with the holders of any bonds and coupons of such issue, or any of them, whether due or to become due, or of any judgment thereon, upon the best terms said committee can obtain, and in lieu of and exchange

or any bonds or coupons of such former issue, whether due or to become due, or in satisfaction of any judgment recovered against such township in any suit upon any bonds or coupons of such former issue, to issue new bonds with the common seal of the township thereto affixed and signed by the chairman of the township committee, and countersigned by the treasurer of said committee, of such date, and for such amounts, and payable at such times as shall seem expedient to them, in the corporate name and pledging the faith and revenues of such township for the payment thereof, with coupons for the interest thereon annexed thereto, which bonds shall be numbered by the treasurer of the township committee, and registered by him in a book to be kept for that purpose; *provided*, that the new bonds so issued shall not be made payable at an earlier date, or bear any greater rate of interest than the bonds of the former issue for which they shall be exchanged; or, if the said committee can obtain better terms of settlement with the holders of the bonds or coupons of such former issue, whether due or to become due, or of any judgment thereon, by paying the same in cash, then it shall be lawful for the said township committee to issue the necessary amount of said new bonds, with interest coupons, which shall be numbered and registered as aforesaid, and to sell the same, but at not less than par, and the proceeds of the sale of such new bonds shall be appropriated to the payment of the bonds and coupons of the former issue; *provided, however*, that the new bonds so issued and sold shall not be made payable at an earlier date than the bonds of the former issue, to provide for the payment of which, or any judgment thereon, they are hereby authorized to be made; and the said township committee are hereby authorized and required to cause such sum or sums of money to be annually assessed, levied and collected upon the taxable property of said township, as shall be sufficient to pay such portions of the principal and interest of said bonds as shall become due and payable in each of said years, which assessment levy and collection shall be made at the same time and in the same manner as the ordinary taxes are assessed, levied and collected, and the same when collected shall be ap-

May issue new bonds.

Proviso.

Proviso.

plied to the payment of the principal and interest of said bonds; and the said township committee are also hereby authorized to cause such sum or sums of money as they deem expedient, to be annually assessed, levied and collected in the same manner as aforesaid, to constitute a sinking fund for the payment and redemption of said bonds.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXX.

A Supplement to the act entitled "An act to provide for local improvements by seaside associations," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Board of trustees,  
directors, &c., em-  
powered to make  
and complete im-  
provements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary, in the opinion of the board of trustees, directors, commissioners, or other corporate authorities of any incorporated seaside association, to construct or provide necessary works to supply the inhabitants and premises with artificial light; to keep in repair and improve the streets or avenues already laid out and opened; to remove garbage; and to appoint such peace officers as may be deemed necessary for the purpose of keeping order within the limits and bounds of such seaside associations; it shall be lawful, and said board of trustees, directors, commissioners, or other corporate authorities are hereby empowered to undertake and complete such improvements.

Trustees, &c., to  
appoint one of  
their number to  
keep accounts,  
&c.

2. *And be it enacted*, That such board of trustees, directors, commissioners, or other corporate authorities shall appoint from among their number a suitable and competent person, who shall keep full and complete



accounts in proper books, of all moneys expended in the prosecution of such improvements; which books at all times shall be open to the inspection of the owner or owners of lands and real estate lying within the corporate limits of such seaside associations.

3. *And be it enacted*, That the costs and expenses of such street and other improvements shall be assessed by such board of trustees, directors, commissioners, or corporate authorities of such association, or by a committee thereof duly authorized by them, upon the owner or owners of the lands and real estate benefitted thereby, in proportion as nearly as may be to the benefit each shall receive; *provided, however*, that in no case shall the costs and expenses of said improvement exceed the sum of five dollars per annum on any one lot, as designated and numbered on a map of the property of such association, duly filed with the clerk of any county, as now provided by law.

Costs and expenses of improvements to be assessed upon owner of lands.

Proviso.

4. *And be it enacted*, That when said improvement or improvements are completed, said board or committee, or other corporate authority shall cause a certificate thereof, signed by a majority of said board of trustees, directors, commissioners or other corporate authority, to be filed with their treasurer and kept by him within the corporate limits of such association, open at all times for inspection, which certificate shall show the amount assessed upon each lot, and, as far as possible, the names of the owner or owners of the same, and said treasurer shall be and is hereby authorized to receive and give receipts for all moneys collected by virtue of the provisions of this act.

Certificate of improvements to be made and filed.

5. *And be it enacted*, That all assessments made under the provisions of this act, with all interest to accrue thereon, shall be and remain liens on the lots or lands assessed, and shall be collected in the same manner as is already provided for in the act to which this is a supplement.

Assessments a lien on lots or lands assessed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXXI.

An Act to provide for a reduction in the rate of interest on school district bonds.

Trustees of school districts empowered to issue bonds.

Proceeds of sale of bonds how used, and bonds not to be sold less than par.

Principal and interest of bonds how assessed and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which the corporate bonds of any school district of this state, heretofore lawfully issued, remain unpaid, and bearing by the condition of said bonds interest at the rate of seven per centum per annum, it shall be lawful for the trustees of such school district to make and issue the corporate bonds of such school district, by whatever corporate name it may be designated, bearing interest at a rate not exceeding six per centum per annum, and to an amount not exceeding the amount of the bonds lawfully issued and outstanding in the hands of *bona fide* holders at the time of such new issue; and the proceeds of the sale of such new issue of bonds shall be used in paying off and redeeming bonds of the former issue, and for no other purpose; and such new bonds shall not be sold at less than their par value, nor shall anything in this act be construed to authorize the increase of the indebtedness of any school district, or to authorize the rescinding of existing contracts, but where school district bonds are due and payable, or the holders of the same are willing to surrender them before they are due, the provisions of this act may be availed of to secure a lower rate of interest.

2. *And be it enacted*, That for the purpose of providing for the payment of the interest and the principal of said bonds as they shall severally become due, the district clerk of such district shall notify the assessor or assessors having jurisdiction therein, annually before the first day of July in each and every year, of the amount of money that will be required to pay the interest and principal of such bonds as they shall severally become due, and it

shall be the duty of such assessors to assess the same upon the taxable property in said district, in the same manner as other taxes are assessed; and it shall be the duty of the collector to collect the said taxes in the same manner as other taxes are collected; and pay out the same on the orders of a majority of the trustees of such district, one of whom shall be the district clerk.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

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## CHAPTER CLXXXII.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," which act was approved April twenty-first, in the year one thousand eight hundred and seventy-six, and which section reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town or village in this state, having a population of not more than fifteen thousand, and not less than two thousand inhabitants, and for the purpose of supplying such city, town or village and the inhabitants thereof with water," be and the same is hereby amended to read as follows :

Section to be  
amended recited.

Section as  
amended.

Company may be  
formed for con-  
structing, main-  
taining and oper-  
ating water  
works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town, village or sea-side resort in this state, having a population of not more than fifteen thousand and not less than five hundred inhabitants, and for the purpose of supplying such city, town, village or sea-side resort and the inhabitants thereof with water.

Approved March 12, 1880.

## CHAPTER CLXXXIII.

A Supplement to an act entitled "An act to prevent fraudulent trusts and assignments," approved March seventh, one thousand eight hundred and fifty.

Provisions of act  
to apply to in-  
come of property,  
money, &c., held  
in trust for debt-  
or, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, and of all supplements thereto, shall apply to the income of all property, or money, or things in action held in trust for the debtor, where the trust has been created by, or the fund held in trust has proceeded from, some other person than the debtor himself; *provided*, the income of such trust property shall exceed four thousand dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CLXXXIV.

An Act to repeal an act entitled "An act to amend an act entitled 'An act to prescribe the notice to be given of application to the legislature for laws, when notice is required by the constitution,' approved January twenty-sixth, one thousand eight hundred and seventy-six," approved March third, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly* <sup>Repealer.</sup> *of the State of New Jersey*, That the act entitled "An act to amend an act entitled 'An act to prescribe the notice to be given of application to the legislature for laws, when notice is required by the constitution,' approved January twenty-sixth, one thousand eight hundred and seventy-six," which amendatory act was approved March third, one thousand eight hundred and eighty, be and the same is hereby repealed.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 12, 1880.

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## CHAPTER CLXXXV.

An Act respecting the board of chosen freeholders of the several counties in this state, and to regulate and limit the powers and duties of the director at large of any such board.

Directors at large  
not entitled to  
vote.

Proviso.

Director at large  
may approve or  
disapprove of res-  
olutions within a  
certain time.

Proviso.

Power and duties  
of director at  
large.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the director at large of the board of chosen freeholders of any county of this state shall not be entitled to a vote in the appointment of any person to any office or position, or employment whatsoever, under said board; *and it is further, provided* that the director at large of any such board shall not have the right to veto or disapprove any appointment made or employment ordered by said board or veto or disapprove of any resolution fixing the salary or compensation of any employee of said board.

2. *And be it enacted*, That the director at large of any such board may approve or disapprove of any resolution of said board except a resolution appointing any person to any office or position, or employment under said board a resolution fixing the salary or compensation of any person appointed to any office or position or employment under said board within ten days after the passage of the same; and in case he disapproves of said resolution, he shall file with the clerk of the board, within said ten days, the cause or grounds of his disapproval in writing, and the clerk shall submit the same at the next meeting of the board, held for the transaction of business, after the expiration of said ten days, and the board shall thereupon direct the objections of the director at large to be entered at length in the minutes, and shall then proceed to consider the same; and if the board shall not, by a two-thirds vote of all the members thereof, disapprove of said objections, then the said objections shall be of full force and effect; *and it is further provided*, that if the director at large fails, or neglects or refuses to approve or disapprove of any resolution as aforesaid, within ten days limited above, then the same shall take effect and be of the same force as if it had been signed or approved by him.

3. *And be it enacted*, That the director at large shall appoint all committees provided for by the board by a resolution of said board or otherwise, but he shall not have the power to remove any member from a committee, or change or alter the committees, except for cause, which shall be submitted to the board in writing, and entered in full in the minutes; *and provided further*, that

no member of the board shall be removed from a committee, or the committee changed or altered except by the concurrence of a majority of all the members of the board; *and it is further provided*, that the director at large shall not have the right to vote in case of a tie vote on appointments to office under said board, or in the employment of any person by said board. Proviso.

4. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately. Repealer.

Passed March 12, 1880.

## CHAPTER CLXXXVI.

An Act granting to cities an unobstructed outlet to the culverts in their streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage and approval of this act, every incorporated city in this state having streets containing culverts or other drains to tidewater, shall, upon public dedication, after the usual form of condemnation and assessment of private property, have full and unobstructed outlet for the culverts in such streets to any contiguous streams, without amenability to the claims to said water front of the riparian commission or any laws or usages thereof. Cities to have unobstructed outlet for culverts to streams.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 12, 1880.

## CHAPTER CLXXXVII.

An Act to render more effective the ordinances of county boards of health and vital statistics in the several counties of this state, and to define their powers and duties.

County boards of health only board legally authorized to make ordinances in relation to public health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of this state in which there is by law established a board of health and vital statistics, such board shall be the only board or legally constituted body in said county, or in any municipality or town in said county, having power to make ordinances in relation to the public health or the registration of vital statistics, any charter, law or ordinance to the contrary in anywise notwithstanding.

County board may appoint health inspector.

2. *And be it enacted*, That said county board may appoint a health inspector for said county, who shall be a regularly graduated physician or chemist of some reputable school, university or college, who shall receive and be paid by the board of chosen freeholders of such county an annual salary of not over fifteen hundred dollars a year and, who shall be subject to said board in the carrying out of their ordinances and the laws of this state in relation to the public health and the registration of vital statistics and in a general supervision of the health and sanitary condition of said county, and whose office hours shall be from nine a. m. to five p. m. daily, legal holidays excepted, at the office of said board, or going to and fro in said county in the performance of his duties.

Annual salary.

Office hours.

Board of chosen freeholders to appoint a counsel for county board of health.

Annual salary of counsel and his duties.

3. *And be it enacted*, That the board of chosen freeholders of such county shall appoint to said board a counsel who shall be a counselor-at-law of this state, and who shall receive an annual salary of one thousand dollars, to be paid by said chosen freeholders,



and who shall hold office for the term of two years from the date of his appointment and until his successor is appointed, and whose duties shall be to bring and defend all suits to which said board of health is a party, and to be the legal adviser of said board of health whenever called upon by said board of health; *provided*, that Proviso. the term of the counsel of any board of health affected by this act who shall be acting as such at the time of the passage of this act shall continue for two years from the date of such passage.

4. *And be it enacted*, That said board of health and vital statistics may and shall have power, at any special, regular or adjourned meeting of such board, to pass, alter, amend or repeal ordinances in relation to the public health and the keeping of a registry of vital statistics in said county, and in so doing: Board of health empowered to pass, alter, amend or repeal ordinances.

I. To provide against the adulteration of all kinds of foods and drinks, or any kind of meat or vegetable not fit for human food, sold, for sale or exposed for sale, or brought into said county for sale; To provide against adulteration of food, &c.

II. To declare what shall be nuisances, in lots, streets, docks, wharves, vessels, piers, and all public or private places in said county or any part thereof; To declare what shall be nuisances, &c.

III. To prevent the spread of dangerous, epidemic, or contagious diseases in said county or any part thereof, and to declare when the same has become epidemic; To prevent spread of contagious diseases, &c.

IV. To regulate, control or prohibit the keeping of all kinds of animals, birds and beasts, and the slaughter of the same, in said county or any part thereof; To regulate keeping of animals, &c.

V. To regulate, control, or prohibit the carrying on of all trades, manufactures or business in said county, which be noxious or offensive to the inhabitants of such county or any part thereof, and which is attended by noisome and injurious odors, and otherwise injurious to their estates; To regulate, prohibit noxious or offensive manufactures.

VI. To regulate, license and control all night scavengers in said county, and to charge a license fee from the same, not to exceed fifteen dollars annually, and to regulate and control the removal of all night soil in said county, and the cleaning of all privies, vaults, sinks and cesspools in said county or any part thereof; To regulate, license and control night scavengers, and to charge a license fee, &c.

To regulate, &c.,  
the accumulating  
of manure, &c.

To prohibit and  
remove nuisances  
in highways,  
streets, &c.

To provide pro-  
per registration  
of physicians,  
nurses, &c.

To compel pro-  
per returns of  
births, deaths  
and marriages.

To regulate keep-  
ing of a registry.

All other pur-  
poses connected  
with public  
health.

To secure sani-  
tary condition of  
houses, &c.

To regulate, &c.,  
cleaning of  
sewers, &c.

To provide for  
filling of sunken  
lots.

Board may  
adopt and ordain  
ordinance in the  
form of code.

Ordinances to  
be published.

VII. To regulate, control, and prohibit the accumulating of manure, compost, and all decaying or vegetable substances, in any place in said county, public or private;

VIII. To prohibit and remove any nuisance or offensive matter in any public highway, road, street, avenue, alleyway, or other place, public or private, in said county, and to cause the removal of the same at the expense of the owner;

IX. To provide for the proper registration of all physicians, nurses and midwives in said county;

X. To compel the proper return of all births, deaths and marriages in said county, by physicians, midwives, nurses, clergymen, magistrates, and all others professionally officiating at such death, birth or marriage, under the penalty for failure so to do as provided in the acts regulating the return of vital statistics in this state.

XI. To regulate the keeping of a registry of the vital statistics of said county in accordance with the state law as to the same;

XII. For all other such purposes as are connected with the public health or the registration of vital statistics, and the practice of physicians, midwives and nurses in said county, with relation to such object;

XIII. To secure the sanitary condition of tenement houses, prisons, and all public buildings in said county;

XIV. To regulate, control or prohibit the cleaning of sewers and the dumping of garbage, and the filling of sunken lots or marsh lands in any part of said county;

XV. To provide for the filling in of sunken lots which have become the repositories of stagnant water in the built up portions of such county.

5. *And be it enacted*, That in the making of ordinances, said board may adopt and ordain the same in the form of a code to be called "the code of health ordinances of the board of health and vital statistics of the county of \_\_\_\_\_," or each ordinance separate and apart by itself, and in all cases shall cause said code, ordinance or ordinances, to be published for at least four weeks, once in each week, in the official newspaper of said county, the same to be paid for by the chosen freeholders of such county; and if in the form of a code, said board may add to, take from, alter, amend or repeal any section of said

code as they may see fit, by publishing such alteration, amendment or repealer as aforesaid.

6. *And be it enacted*, That said board of health may prescribe a penalty for the violation of any of their ordinances or sections of any code they may make and ordain, as aforesaid, not to exceed one hundred dollars, and not less than ten dollars; and every district court in any city in such county, and every justice of the peace in such county, and every police justice or recorder in any city in such counties, is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have violated any of the ordinances of any such board as aforesaid, to issue process at the suit of any such board, as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than one nor more than ten entire days; such process shall state what ordinance of any such board is alleged to have been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, and a copy of the ordinance alleged to have been violated, certified to under the hand and seal of the clerk or president of such board, shall be taken as full and legal proof of the existence of such ordinance, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same in all respects a legal and binding ordinance, have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and said court, justice of the peace, police justice or recorder is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him or her, and all costs and charges incident thereto, unless an appeal is granted, to be com-

Board of health may prescribe penalty for violation of ordinances or sections of code.

District courts and justices of the peace, &c., may issue process on oath, &c., and to hear and give judgment, &c.

On failure to pay judgment defendant may be committed to county jail.

ments or real estate to the end of the term named therein, under said original certificate, with the like privileges and effect in all things as though a deed therefor had been given.

Collector may  
adjourn sale.

10. *And be it enacted*, That the collector shall have power to adjourn any sale for more than sixty days, upon the written request of the township committee; *provided*, there be no purchasers present.

Proviso.

Collector to con-  
tinue proceedings  
if his term of  
office expires.

11. *And be it enacted*, That in case the collectors term of office shall expire before he shall have completed his proceedings under any warrant, he shall continue such proceedings thereunder to the end, in which case his bondsmen shall be liable for any illegal act of their principal in the same manner and to the same extent as though said collector's term of office had not expired.

Bondsmen held  
liable.

No lands, &c., to  
be sold for a  
longer term than  
30 years.

12. *And be it enacted*, That no lands, tenements, hereditaments or real estate shall be sold by virtue of this act and the act to which this is a supplement for a longer period or term than thirty years.

Fees of collector.

13. *And be it enacted*, That the collector's of the several townships in this state shall be entitled to receive for the services performed by them under and by virtue of the sixteenth section of the act to which this is a supplement the sum of twenty cents besides the fees paid by them for the acknowledgement therein required, and the clerks or registers of the several counties of this State shall be entitled to receive for the services performed by them under said sixteenth section the sum of twenty cents.

Fees of county  
clerks or regis-  
ters.

Repealer.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXC.

A Further Supplement to an act entitled "An act relative to oaths and affidavits," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all oaths, affirmations and affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken or used in any court of this state, or for any lawful purpose whatever, may be made and taken by and before any one of the following officers of this state, viz; the chancellor, or any judge of a court of record, or any master in chancery, or any justice of the peace, or any mayor, recorder, or alderman of any city or borough, or any supreme court commissioner, or the city clerk of any city, or the clerk or surrogate of any county, or the clerk of any court of record, or any notary public; *provided*, that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oath, affirmation or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation or affidavit, to give notice to any person interested, or the taking of such oath, affidavit or affirmation."

Section amended.  
Who authorized  
to take oaths, af-  
firmations and  
affidavits.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCI.

A Further Supplement to the act entitled "An act to regulate the practice of courts of law" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

On failure of any party who neglect, refuse, &c., to answer interrogatories the court may make order debarring him from prosecuting his suit.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any party to an action at law shall willfully fail, neglect or refuse to answer any written interrogatories served upon him or his attorney by the opposite party under the provisions of the one hundred and fifty-fifth section of the act to which this is a supplement, it shall be lawful for the court or any judge thereof, in addition to the remedies provided by said section, to make order debarring said party, if a plaintiff, from further prosecuting his suit, and if a defendant, from making further defence thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand

dollars be, and is hereby appropriated for the current expenses of said bureau.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act. Treasurer authorized to pay money.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCIH.

An Act to provide additional compensation to Noah D. Taylor.

WHEREAS in the act to defray the incidental expenses of the state of New Jersey, the provision for payment of the expenses incurred by Noah D. Taylor in maintaining his right to his seat in the house of assembly is inadequate and insufficient. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey, to pay upon the warrant of the comptroller, to Noah D. Taylor the further sum of two hundred dollars. Treasurer authorized to pay amount.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCIV.

An Act relative to the duties of township committees.

Poor farm to be  
under control and  
management of  
township com-  
mittee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the poor farm of each township in this state shall be and remain under the control and management of the township committee of such township.

Repealer.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately, and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 12, 1880.

## CHAPTER CXCV.

An Act concerning the proof of the descent and succession to real estate in cases of intestacy.

Proof of descent  
and succession to  
real estate in  
cases of intestacy  
by whom and  
how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the case of the death of any person intestate seized in fee or otherwise of real estate, within the state, it shall be lawful for the heir or heirs at law of such person or any of them or any person interested in such estate to make an affidavit or petition setting forth the fact of such death, the last place of residence of said intestate, the number of heirs, their names, ages and respective places of residence and relationship to the deceased, and as nearly as possible describing such real estate and the respective interest of such heirs or parties interested.



2. *And be it enacted*, That such application when so made shall be presented to the orphans' court of the county in which such real estate is situated or to the orphans' court of any one of such counties, where said real estate may be situated in one or more counties, and the said orphans' court shall thereupon examine any witnesses under oath or take such other proof as is usual and admissible in other legal proceedings, and in like manner and with like powers and jurisdiction, as to the truth of the matters in such application set forth, and upon being duly satisfied as to the truth of all such matters shall indorse upon such application the certificate of said court, or of its then presiding officer, and thereupon the said petition or affidavit and all proofs and proceedings so taken shall be recorded in the county clerk's office of the county or counties in which said lands are situated, or in the office of any register of deeds for such county, in the same books and in like manner as deeds are now recorded; and from the date of such record, such record or roll shall be regarded and taken in all courts and legal proceedings in the state in respect to the descent and succession of said real estate as presumptive evidence of the matters and facts therein contained and by this act required to be stated.

Application to be presented to the orphans' court.

Orphans' court to examine witnesses, &c.

Petition, affidavit, &c., to be recorded in county clerk's or register's office.

3. *And be it enacted*, That the orphans' courts shall from time to time make such rules and regulations in pursuance and furtherance of this act as may be deemed necessary or expedient.

Orphans' court to make rules and regulations, &c.

4. *And be it enacted*, That this act shall take effect immediately and be deemed a public act.

Approved March 12, 1880.

## CHAPTER CXCVI.

An Act relative to the election of constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all constables shall be here-

Term of office of constables.

Proviso.

after elected for the term of three years; *provided, however*, that at the first election held after the passage of this act when it shall be necessary to elect three constables the ticket voted shall designate the name of one constable for one year, the name of another for two years, the name of the third for three years, and at each succeeding election one constable shall be elected for the term of three years.

Vacancies, how filled.

2. *And be it enacted*, That all vacancies in the office of constable shall be filled for the unexpired term only.

Constable to renew bonds annually, &c.

3. *And be it enacted*, That constables shall be required to renew their bonds annually, and if they shall neglect or refuse so to do within thirty days after the expiration of each yearly term, the position shall become vacant, and such vacancy shall be filled as provided by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCVII.

A Further Supplement to an act entitled "An act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial," approved March twentieth, one thousand eight hundred and fifty-seven.

Chancellor may order lands to be sold free and clear of all incumbrances and order incumbrances paid out of proceeds of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any sale heretofore made or hereafter to be made under the provisions of the act to which this is a supplement, it shall be lawful for the chancellor to inquire into and ascertain the nature and amount of the incumbrances on the estate applied to be sold, and to ascertain the amounts of the taxes, assessments and water rents chargeable against the lands applied to be sold, and to order the lands to be sold free and clear of all incumbrances, and to order the incumbrance to be paid out of the funds realized by the sale; and if it shall appear to the satisfaction of the chancellor that the income from the property has not been sufficient

to pay the taxes, assessments or water rents, and that the person owning a vested estate in said lands, whether a life tenant or otherwise, has borrowed money to pay the taxes, water rents or assessments chargeable against said premises, and said debt remains unpaid at the time of the sale, it shall be lawful for the chancellor to order said debt so created to discharge taxes, water rents or assessments to be paid out of the proceeds of the sale, if it shall appear to the chancellor that it is just and equitable that the same shall be paid ; *provided*, that no incumbrances except for taxes, water rents or assessments shall be affected, or his lien cut off by such sale, unless he is made a party to the petition and served with notice of the same, in accordance with the second section of the act to which this is a supplement. Proviso.

2. *And be it enacted*, That if it shall appear to the satisfaction of the chancellor that the person holding a life estate, or a vested estate of any nature created by any deed or last will and testament, is the widow of the person creating the same, and if it shall appear that the creation of such estate was for her maintenance and support, and if such estate is vacant lands which have become unproductive, or the buildings old and dilapidated, so that they cease to be of any rental value, or if the buildings should be destroyed by fire, and the property, productive at the time of the making of said will or deed, should become partially or wholly unproductive, such life tenant or the person holding the vested estate shall not be liable for the payment of taxes, water rents and assessments unless the income from the property was adequate to the support of the widow and the payment of the taxes, water rents and assessments, but such taxes, water rents and assessments shall be liens upon the lands so ordered to be sold, and paid out of the fund arising from the sale of the same. Life tenant or person holding vested estate not to be held liable for payment of taxes, &c.

3. *And be it enacted*, That if the lands shall consist of different tracts and parcels, and the whole become chargeable with taxes, water rents and assessments, and that by a sale of a part of the premises all the taxes, water rents and assessments could be discharged on all the lands charged with such future and contingent estate, it shall be lawful for the chancellor to order the taxes, water Taxes, &c., to remain a lien, and to be paid out of proceeds of sale.

rents and assessments on the whole estate to be paid out of the proceeds of the sale of that portion of the lands ordered to be sold, and to free all the balance of the lands from taxes, water rents and assessments.

Chancellor may order lands sold free and clear of any disputed taxes, water rents, &c., and order sufficient sum to be deposited with the clerk of the court.

4. *And be it enacted*, That if any tax, water rent, water charge or assessment is disputed, it shall be lawful for the chancellor to order said lands sold free and clear of such disputed tax, water rent, water charge or assessment, and to order that a sufficient sum to discharge said tax, water rent, water charge or assessment, with the interest to accrue thereon, to be deposited with the clerk of the court to abide the result of the settlement of such disputed tax, water rent, water charge and assessment, and when said tax, water rent, water charge or assessment shall have been declared a legal lien on said lands so ordered to be sold, the chancellor shall order the payment of such tax, water rent, water charge or assessment; and in case said tax, water rent, water charge or assessment shall be set aside or declared not to have been a legal lien on the lands so sold, that then said money so set apart to answer such payment shall be invested by the order of the chancellor, under the provisions of the act to which this is a supplement; *provided*, that in setting aside any tax, water rent, water charge or assessment if a new assessment is ordered, then said fund shall be held and applied to the payment of the new assessment; *and provided, further*, that in ordering such sale and deposit, the chancellor may order that the interest shall cease on the tax, water rent, water charge and assessment, from the date of sale, and that the interest; after the sale, shall be the amount allowed on the deposit made with the clerk of the court.

Proviso.

Proviso.

Chancellor may order buildings to be sold separate.

5. *And be it enacted*, That if the estate is so situated that the land is composed of city lots and covered by large, old and dilapidated buildings that require to be removed before the land can be sold to advantage, it shall be lawful for the chancellor to order the buildings to be sold separate from the land, to be removed therefrom, and if, at such sale, no bidders can be found who will bid for and agree to remove said old buildings and material, it shall be the duty of the master to report the facts to the chancellor, who may order the master to have the

buildings torn down and the materials prepared for market and sale, and that the master shall sell the same, and if said materials cannot be sold for enough to pay for pulling down and removing the same, that then it shall be lawful for the chancellor to order the deficiency to be paid out of the proceeds of the sale.

May order master to have buildings torn down and sell materials, &c.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CXCVIII.

An Act to secure to workmen the payment of wages in lawful money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent or company, their agents or clerks, to pay the wages of workmen or employees by them employed in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind.

Unlawful to pay wages of workmen or employees in either store goods, orders, &c.

2. *And be it enacted*, That any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent or company paying to the said workmen or employees, or authorizing their clerks or agents to pay the wages, or any part thereof, in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind except as aforesaid, shall forfeit the amount of said pay or any part of wages of said workman or employee given in store goods, merchandise, printed, written, verbal orders or due bills of any kind, and the same not to offset against the wages of said workman or employees, but he or they shall be entitled to recover the full amount of his or their wages, as though no such store goods, merchandise, printed,

Any manufacturer, &c., paying wages in goods, order, due bills, &c., shall forfeit amount of pay or part of wages, &c.

written, verbal orders or due bills had been given or paid; and no settlement made with such employer shall bar such action until after a lapse of one year from such settlement.

Provisions of act  
who to extend to.

3. *And be it enacted*, That the provisions of this act shall extend to all seamstresses, females and minors employed in factories or otherwise.

Penalty for of-  
fending against  
the provisions of  
this act, &c.

4. *And be it enacted*, That any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer or company offending against the provisions of this act, the same shall be a misdemeanor, and punishable by a fine of not less than ten dollars or more than one hundred for each and every offence, or imprisonment not to exceed the term of thirty days, at the discretion of the court; but nothing in this act shall apply to or affect any private individual giving orders as aforesaid on a store in the business or profits whereof he has no interest, directly or indirectly, or to the offset of any debt due from such workmen to any glass manufacturers, ironmaster, foundryman, collier, factoryman, employee or company where the said debt is voluntarily contracted by the employee, or to the payment of any debt due from such workman to any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer or company.

Act not to apply  
to any private in-  
dividual, &c.

Act when to take  
effect.

5. *And be it enacted*, That this act shall take effect the fourth of July next, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 12, 1880.

## CHAPTER CXCIX.

An Act to regulate the practice of medicine and surgery.

Every person  
practicing medi-  
cines and surgery  
shall be a gradu-  
ate of medical  
college, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person practicing medicine or surgery in this state in any of their branches

for gain, or who shall receive or accept for his or her services any fee or reward either directly or indirectly, shall be a graduate of some legally chartered medical college or university in good standing, or some medical society having power by law to grant diplomas; and such person before entering upon said practice shall deposit a copy of his or her diploma with the clerk of the county in which he or she may sojourn or reside, and shall pay said clerk ten cents for filing the same in his office; said copy to be a matter of record, and open to public inspection.

Copy of diploma to be deposited with county clerk.

2. *And be it enacted*, That any person who shall practice medicine or surgery, without conforming to the requirements of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of twenty-five dollars for each prescription made or operation performed, said fine to be sued for and recovered in an action of debt, by any person who will sue for the same, and in default of payment of said fine, the offender shall be imprisoned in the county jail for a period of not less than three nor more than six months; *provided, always*, that he or she may be liberated at any time by paying the amount of said fine and costs.

Penalty for practicing medicine, &c., without conforming to this act.

Proviso.

3. *And be it enacted*, That it shall be unlawful for any person not qualified according to the first section of this act, to collect any fees for medical or surgical services.

Unlawful for any person not qualified to collect fees.

4. *And be it enacted*, That any person who shall offer for record a copy of any diploma which shall have been issued to any other person, or a diploma issued or obtained fraudulently, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine of not less than three hundred dollars, nor more than five hundred dollars, or imprisonment at hard labor for not less than one nor more than three years, or both at the discretion of the court.

Penalty for offering for record any diploma issued or fraudulently obtained.

5. *And be it enacted*, That nothing in this act shall be so construed as to prevent any physician or surgeon in good standing, and legally qualified, to practice medicine or surgery in the state in which he or she resides, from practicing in this state, but all persons opening any office, or appointing any place where he or she may meet patients, or receive calls, shall be deemed a sojourner in

Act not to be construed to prevent physicians or surgeons of good standing to practice, &c.



this state, and shall conform to the first section of this act.

Act when to take effect.

6. *And be it enacted*, That this act shall take effect on the first day of June, one thousand eight hundred and eighty.

Approved March 12, 1880.

## CHAPTER CC.

An Act to facilitate the arrest and punishment of violators of the law in localities beyond and adjacent to the corporate limits of the cities of this state.

Preamble.

WHEREAS, It is represented that in divers localities beyond and adjacent to the corporate limits of certain cities of this state, divers evil disposed persons do assemble on the Christian Sabbath, or first day of the week, commonly called Sunday, and then and there engage in unlawful games and sports and that they do also on other days of the week there commit divers other offences against the law and escape conviction and punishment therefor, by reason of the want of a constable or police officer to arrest such offenders; therefore in order to remedy the said evil,

Owners of lands may appoint in writing special constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful at any time hereafter for any persons who may own and reside on lands situated beyond and within one mile of the corporate limits of any city in this state, by writing under the hands of any three or more of them, to appoint one or more special constable or constables, for any term not exceeding one year at any one time, and for such limits within the locality aforesaid as such owners and residents aforesaid may designate; and it shall be the duty of any such special constable or constables when appointed as aforesaid, immediately to apprehend



any person or persons who may, at any time hereafter be found by such special constable or constables within the locality for which he or they may be appointed as aforesaid, offending against or violating any of the provisions of the first section of the act of the legislature of this state entitled "An act for suppressing vice and immorality," approved March twenty-seventh, one thousand eight hundred and seventy-four, and such special constable or constables shall take such offender or offenders before a magistrate as soon as conveniently may be, in order that such offender or offenders may be dealt with according to law, and it shall be lawful for any such special constable or constables to detain such offender or offenders until the next day, then to be dealt with according to law, unless such offender or offenders, shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for such magistrate to discharge such offender or offenders.

Constables may make arrests for violating provisions of a certain act.

2. *And be it enacted*, That it shall be the duty of any such special constable or constables, when appointed as aforesaid, immediately to apprehend any person or persons, who may at any time hereafter be found by any such constable or constables within the locality for which he or they may be appointed as aforesaid, committing any crime or misdemeanor against the laws of this state, and take such offender or offenders before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law.

Constables may arrest persons committing any crime, &c.

3. *And be it enacted*, That any such special constable or constables who may hereafter perform any of the duties or services herein directed, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities as a constable would be on the same occasion; *and further*, that all such special constables shall be paid by the persons by whom they may be appointed for all services rendered by them.

Special constables to be entitled to assistance and protection.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCI.

An Act to repeal so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections.'"

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections,'" as regulates the pay of election officers, be and the same is hereby repealed.

Section re-  
enacted.

Fees of election  
officers.

2. *And be it enacted*, That section one hundred and twenty-two of said act, which reads as follows, to wit:

"122. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive for the services herein mentioned the fees thereto respectively annexed and no more, to be paid by the collectors of the counties respectively in which such services shall be performed:

"The clerk of each township, for advertising said election, one dollar and fifty cents;

"The clerk of each election, for each day's service, three dollars;

"Each member of the boards of election, for each day's service, three dollars;

"Each member of any board of county canvassers, for each day's service, three dollars;

"For mileage in attending any such board, five cents for every mile, out and in, to be computed from the court house to his residence;

"The clerk of each county, for advertising any special election, two dollars;

"The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents," be and the same

s hereby re-enacted, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That eight hours shall constitute, with the fractional parts thereof, a day's work for the members of election boards. What to constitute a day's work for election boards

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCII.

A Supplement to the act entitled "An act respecting county physicians," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county physician of any county of this state where there is such an officer, and one of the coroners of the county where there is no county physician, shall, when he takes charge of the remains of any unknown person found dead in any county, also take charge of all the money, clothing, and other valuable personal effects of the deceased person found in connection with or pertaining to said body, and after using such of the clothing as may be necessary in the burial of the body, shall make and file with the clerk of the board of chosen freeholders of the county, with an oath or affirmation thereto annexed, that the same is a correct and true inventory of all the effects found in connection with, or pertaining to said body, to the best of his knowledge and belief, which effects, with a copy of said inventory, he shall deliver to the county collector of the county within ten days after the burial of said body; and that the county collector may in his discretion, sell the said effects at public sale, on such notice as is required by law in the case of the sale of personal property by a constable under an execution, County physicians and coroners to take charge of remains of any unknown person found dead.

Inventory of effects to be made and filed with the county clerk.

County collector may sell effects at public sale.

Proceeds of sale if  
not claimed how  
disposed of.

to the highest bidder, all of such effects as may be of a perishable nature, or as may be sold without great sacrifice, for the benefit of the next of kin of said deceased; and the county collector after holding the net proceeds of such sale for one year, shall, if not claimed within that time by said next of kin, dispose of the same, as the board of chosen freeholders of the county may direct, for the benefit of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCIII.

An Act to enable township committees of certain townships to grant licenses.

Township committees empowered to pass, alter or repeal ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of any township of this state being created under a special act of the legislature and having less than three hundred voters shall have power to pass, alter, repeal ordinances to take effect within their respective townships for the following purposes :

To license, regulate and prohibit inns, taverns, &c.

I. To license, regulate and prohibit inns, taverns of spirituous, vinous, malt or other strong or intoxicating liquors, and to license and regulate hawkers, peddlers and slaughter houses ;

To fix terms, and make rules, regulations, &c.

II. To fix the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license fees, and no other license for any of such purposes shall be valid within such township, except licenses granted by the governor to hawkers and peddlers ;

To prescribe penalties, &c.

III. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail, not exceeding ten days in each case, or both,

for any violation of any ordinance authorized by this act; *provided, however,* that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in such township, who shall have cognizance of such offence. Proviso.

2. *And be it enacted,* That every contemplated ordinance shall be presented at a regular meeting of the township committee, and shall receive a two-third vote of the whole number of members of said committee, and the ayes and nays entered at large upon the clerk's book of minutes, when the same shall lie over until the next regular meeting, when, if two-thirds of said members vote in favor of the same, upon the ayes and nays being called, it shall be entered in a book to be provided by the township for that purpose, and it shall be signed by the chairman and clerk; *provided, however,* before it takes effect it shall be published for ten days in a newspaper, published in said township, or, if no newspaper is published therein, then in some newspaper published in the county and circulating in said township; and the said ordinance shall be posted for a like time in ten of the most public places in said township, and the publication and posting shall be verified by affidavit of the printer or foreman of the newspaper in which such publication shall be made, and of the person who posted such notice, and such affidavits shall be filed in the township clerk's office, and shall be evidence of such publication and posting in all courts and places. Passage of ordinances.

3. *And be it enacted,* That all public acts and parts of such acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be a public act, and take effect immediately. Proviso.

Approved March 12, 1880. Repealer.

## CHAPTER CCIV.

An Act authorizing the formation of partnership associations, in which the capital subscribed shall only be responsible for the debts of the association, except under certain circumstances.

Three or more persons may form a partnership association for the purpose of conducting any lawful business or occupation.

Statement in writing to be made and recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any three or more persons may desire to form a partnership association, for the purpose of conducting any lawful business or occupation within the United States or elsewhere, whose principal place of business shall be established and maintained within this state, by subscribing and contributing capital thereto, either in money or in real or personal estate, mines or other property at a valuation to be approved by all the members subscribing to the capital of such association, which capital shall alone be liable for the debts of such association, it shall and may be lawful for such persons to sign and acknowledge before some officer competent to take the acknowledgment of deeds, a statement in writing, in which shall be set forth the full names of such persons, and the amount of capital of said association subscribed for by each, the character of the subscription, and if in property other than cash the description and valuation of said property, the total amount of capital, and when and how to be paid, the character of the business to be conducted and the location of the same; the name of the association with the word "limited" added thereto as part of the same, the contemplated duration of said association, which shall not in any case exceed twenty years, and the names of the officers of said association, selected in conformity with the provisions of this act; and any amendment of said statement shall be made only in like manner, which said statement and

amendment shall be recorded in the office of the clerk or recorder of deeds in the proper county.

2. *And be it enacted*, That the members of any such partnership association shall not be liable under any judgment, decree or order which shall be obtained against any such association, or for any debt or engagement of such company, further or otherwise than is hereinafter provided; that is to say, if any execution, sequestration or other process in the nature of execution either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient thereof whereon to levy or enforce such execution, sequestration or other process, then such execution, sequestration or other process may be issued against any of the members to the extent of the portions of their subscriptions respectively in the capital of the association not then paid up; *provided, always*, that no such execution shall issue against any member except upon an order of court or of a judge of the court in which the action, suit or other proceeding shall have been brought or instituted; and the said court or judge may compel the production of the books of the association, showing the names of the members thereof, and the amount of capital remaining to be paid upon their respective subscriptions, and from them or other sources of information ascertain the truth in regard thereto, and may order execution to issue accordingly; and the said association shall be and it is hereby required to keep a subscription list book for that purpose, and the same shall be open to inspection by the creditors and members of the association at all reasonable times.

Individual members when held to be liable for judgments, debts, &c., of the association.

Proviso.

3. *And be it enacted*, That the word "limited" shall be the last word of the name of every partnership association formed under the provisions of this act; and every such association shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its full name mentioned in legible characters in all notices, advertisements and other official publications of such association, and in all bills of exchange, promissory notes, checks, orders for

The word "limited" to be the last word in name of associations in all notices, advertisements, checks, notes, &c.

Proviso.

money, bills of lading, invoices, receipts, letters, and other writings used in the transaction of the business of the partnership association; *provided*, that the omission of the word "limited" in the use of the name of the partnership association shall render each and every person participant in such omission, or knowingly acquiescing therein, liable for any indebtedness, damage or liability arising therefrom.

Interests in association deemed personal estate and how transferred.

4. *And be it enacted*, That interests in said association shall be personal estate, and may be transferred under such rules and regulations as the association may prescribe, but no transferee of any interest, or the representatives of any decedent, or of any insolvent, shall be entitled thereafter to any participation in the subsequent business of said association, unless he or she be elected thereto by a vote of the majority of the members in number and value of their interests; and any change of ownership, whether by sale, death, bankruptcy or otherwise, which shall not be followed by election to the association, shall entitle the owner only to his interest in the association at a price and upon terms to be mutually agreed upon, and in default of such agreement the price and terms shall be fixed by an appraiser appointed by the court of common pleas of the proper county, subject to the approval of said court.

Meetings of members of association and election of managers.

5. *And be it enacted*, That there shall be at least one meeting of the members of the association in each year, at one of which there shall be elected not less than three nor more than five managers of said association, one of whom shall be the chairman, one the treasurer and one the secretary, or one may be both treasurer and secretary, who shall hold their respective offices for one year and until their successors are duly installed; and no debt shall be contracted, or liability incurred for said association, except by one or more of the said managers, and no liability for an amount exceeding five hundred dollars, except against the person incurring it, shall bind the said association, unless reduced to writing and signed by at least two managers.

Profits of business may be divided.

6. *And be it enacted*, That the association may from time to time divide the profits of its business in such manner and in such an amount as a majority of its managers



may determine, which profits so divided shall not at the time diminish or impair the capital of the said association, and any one consenting to a dividend which shall diminish or impair the capital, shall be liable to any person or persons interested or injured thereby to the amount of such diminution or impairment.

7. *And be it enacted*, That it shall not be lawful for such association to loan its credit, its name or its capital to any member of said association, and for such loan to any other person or association, the consent in writing of a majority in number and value of interest shall be requisite.

Unlawful to loan its credit, name or capital to any member of association.

8. *And be it enacted*, That such association may be dissolved:

I. Whenever the period fixed for the duration of the association expires;

How association may be dissolved

II. Whenever by a vote of a majority in number and value of interest it shall be so determined; and notice of such winding up shall be given by publication in two newspapers published in the proper city or county at least six consecutive times, and immediately upon the commencement of said advertising, said association shall cease to carry on its business, except so far as may be required for the beneficial winding up thereof.

9. *And be it enacted*, That said association shall sue and be sued in their association name; and when suit is brought against any such association, service thereof shall be made upon the chairman, secretary or treasurer thereof, which service shall be as complete and effective as if made upon each and every member of such association.

Association may sue and be sued, and upon whom service may be served.

10. *And be it enacted*, That whenever any association formed under the act to which this is a supplement shall have occasion to execute any deed of conveyance, or bonds with or without coupons, and mortgages, to secure, purchase or borrow moneys, such associations shall have a right to adopt and use a common seal, and to acknowledge such instruments or writings by their chairman and secretary.

Association may adopt, and use common seal.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCV.

An Act to amend an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

Section amended  
recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows :

Board of commissioners may apply to circuit court to have assessments for construction of sewers, drains, &c., or laying out, opening streets, &c., vacated, and for the appointment of commissioners to make new assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment which has been made by any board of commissioners within any township or village in this state, by virtue of any local or special law for the costs, damages and expenses of constructing any drain or sewer, or laying out, opening, widening or otherwise improving any street or avenue, or of making any other improvement (other than for the laying of sidewalks), has been or shall be hereafter set aside by any court of competent jurisdiction ; or whenever any such assessment has, in the opinion of such commissioners, been made in an illegal manner, or upon erroneous principles, or whenever any such work or improvement has been directed or authorized by any legislative act, and no adequate provision has been made for the costs, damages and expenses incurred or to be incurred for such improvement, or for paying any indebtedness authorized to be incurred for such costs, damages or expenses, it shall be lawful for the said board of com-

missioners, or other persons having charge of such work or improvement, to apply to the circuit court of the county wherein such improvement is situate, or intended to be, to have such assessment vacated (if any there be not already set aside, as aforesaid), and for the appointment of commissioners to make an assessment or reassessment of such costs, damages and expenses, and the said court shall thereupon vacate any such assessment and appoint commissioners as hereinafter provided; *provided*, Proviso. that nothing herein contained shall apply to or affect any assessment for improvements upon any street or avenue lying between or running through two or more townships or villages.

2. *And be it enacted*, That the eighteenth section of said act be and the same is hereby amended so as to read as follows: Section amended recited.

18. *And be it enacted*, That this act shall refer to all boards of commissioners, or other persons having charge of any public improvement of the character mentioned in this act, by whatever name or style such commissioners may be designated or known in and by the act authorizing them to make such improvements, and that all special acts under which any local improvements of the character mentioned in this act, have been or shall be made, so far as such special acts are consistent with the provisions of this act, and all other acts inconsistent with this act be and the same are hereby repealed. Act to refer to all boards of commissioners having charge of public improvements. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCVI.

An Act to regulate term of office in municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any What constitutes a vacancy.

Vacancies how  
filled.

Act not to apply.

municipal government in this state shall remove from any such municipality, and shall no longer be a bona fide resident therein, such removal and non-residence shall constitute a vacancy in the office held by such non-resident; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies, but this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality unless otherwise provided by any special charter of any city in this state.

2. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCVII.

An Act relative to boards of education in cities.

President of  
board of educa-  
tion not to re-  
ceive any salary  
or compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state where the office of president of the board of education or board of directors of education exists or is created by any general or special law, such president shall hereafter receive no salary or compensation whatever for performing the duties of such office, but nothing herein contained shall be deemed or taken to affect or take away the salary of the present incumbent of any such office.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCVIII.

A Supplement to "An act for the appointment of a special tax commission," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three, to which this is a supplement, which section reads as follows, viz:

"3. *And be it enacted*, That the members of said commission shall receive compensation for their services at the rate five dollars each per diem, for the term actually and necessarily employed in performing the duties prescribed in the foregoing sections, together with their traveling and hotel expenses actually and necessarily incurred; *provided*, that the time for which compensation shall be allowed to any member shall not in any case exceed fifty days; and that a clerk may be employed by the commission at a compensation not to exceed two and a half dollars per diem, and for a period not to exceed sixty days," be and the same is hereby amended so as to read as follows, viz:

3. *And be it enacted*, That the members of said commission shall receive compensation for their services at the rate of five dollars each per diem, for the time actually and necessarily employed by them respectively in performing the duties prescribed in the foregoing sections, together with their traveling and hotel expenses actually and necessarily incurred; *provided*, that the time for which compensation shall be allowed to any member shall not in any case exceed one hundred days, and that a clerk may be employed by the commission at a compensation not to exceed two and a half dollars per diem, and for a period not to exceed four months; *and provided further*, that the bills presented under this act shall be approved by the governor before payment.

Section to be amended recited.

Section as amended.

Compensation of members of commission.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCIX.

### An Act concerning cities.

Clerk to examine and render statement of amount, indebtedness and claims.

Board to allow and order paid all claims, &c.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any municipal board, or any committee of any such board, in any city containing a board of finance and taxation or a board of aldermen, has incurred indebtedness prior to the fiscal year of such city, ending in the year one thousand eight hundred and seventy-eight, in excess of the appropriation made to such board for any fiscal year prior to the fiscal year ending in the year one thousand eight hundred and seventy-eight, and such indebtedness remains unpaid, the clerk of the board of finance and taxation in such city, or where there is no such board then the clerk of the board of aldermen shall examine into such indebtedness, and shall, within a reasonable time, render a statement to such board of such claims, or of so much thereof as ought in justice to be paid; and upon receipt of such statement, as aforesaid, said board shall allow and order paid such claims, or so much thereof as shall be reported upon by said clerk as aforesaid, if they shall be satisfied that such claim ought to be paid; *provided*, no moneys shall be paid for any lands purchased which may have been adjudicated on and which adjudication may still remain undecided or which may have been decided adversely, and said board of finance and taxation, or where there is no such board then the board of aldermen are hereby authorized to borrow in anticipation of taxes next thereafter to be levied in such city sufficient money to pay and satisfy so much of said indebtedness as shall be audited as just and ordered paid, and the amount thus

borrowed shall be put in the tax levy next thereafter; *provided*, that the entire amount or amounts paid under Proviso. this act shall not exceed in any city the sum of twenty-five hundred dollars.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 12, 1880.

## CHAPTER CCX.

A Supplement to the act entitled "A supplement to the act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any institution of learning in this state, founded or hereafter to be founded under and by virtue of the provision of an act of the legislature of the state of New Jersey, entitled "A supplement to the act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April the ninth, one thousand eight hundred and seventy-five, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, shall, in addition to the powers, rights and privileges conferred upon said institution by the said supplement and the act to which the same is a supplement, have the right, power and privilege as from time to time shall seem to the trustees and faculty thereof to be expedient and proper, to give diplomas and confer degrees upon those who shall successfully complete the prescribed course of study in such institution, and to confer honorary degrees upon such others as shall be recommended for that purpose by the board of trustees of such institution; *provided*, that nothing in this act shall be construed to Proviso. authorize any such institution to confer any degree or Institutions may have power to give diplomas and confer degrees, &c.

diploma authorizing the practice of medicine, dentistry or law.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 12, 1880.

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## CHAPTER CCXI.

An Act in relation to taxation and assessments in cities.

Board of finance  
may make equitable  
settlement  
of past due taxes  
and assessments.

Proviso.

Proviso.

Proviso.

1. **BE IT ENACTED**, *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act it shall be lawful for the board of finance of any city in this state, to make such equitable settlement of past due taxes and assessments as such board shall deem to be for the best interests of such cities; *provided*, that such settlement shall be agreed to by a three-fourths vote of the city council or other legislative body of such city or cities; *and provided*, that such settlement shall not apply to any taxes or assessments due after the first day of May, one thousand eight hundred and seventy-nine; *and further provided*, that such settlement shall be made before the first day of March, one thousand eight hundred and eighty-one.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.



## CHAPTER CCXII.

A Supplement to the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having thirty-five thousand inhabitants, and in which there is no regularly enrolled company of the national guard, there may be organized a battalion, to consist of not less than two, nor more than three additional companies, of not less than fifty nor more than eighty enlisted men to each company, which battalion and companies composing the same shall be entitled to the rights, privileges and allowances, and be required to perform the like duties, now provided by law for infantry battalions and infantry companies of the national guard, except as hereinafter provided. Battalion may be organized and be entitled to all the rights, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 12, 1880.

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CHAPTER CCXIII.

A Supplement to an act, entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-sixth section of the act to which this is a supplement, and which now reads as follows :

Section to be  
amended recited.

"36. *And be it enacted*, That each of the members of the respective boards of chosen freeholders shall have and receive out of the moneys raised by order of such board, two dollars for each day he shall be necessarily employed in discharging the duties enjoined on him by this act," be and the same is hereby amended so as to read as follows :

Section as  
amended.

Compensation of  
members of  
boards of chosen  
freeholders.

Itemized bill of  
service to be veri-  
fied by affidavit.

Proviso.

Bills when to be  
ordered paid.

Members of  
board of chosen  
freeholders to  
take oath.

36. *And be it enacted*, That each of the members of the respective boards of chosen freeholders shall have and receive out of the moneys raised by such boards, two dollars for each day he shall be actually and necessarily employed in discharging the duties enjoined on him as such officer, upon his filing with the county collector an itemized bill of such service, verified by affidavit, and the same being ordered paid by the board of chosen freeholders according to law ; and no other allowance or emolument, directly or indirectly, shall be received by such officer ; *provided, however*, that this act shall not apply to any county in this state where the members of boards of freeholders are now paid an annual salary by any special law of this state.

2. *And be it enacted*, That no bill shall be ordered paid by the board of chosen freeholders of any county in this state, except at a regular meeting of said board, and then only when properly itemized and verified according to law.

3. *And be it enacted*, That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially, and justly perform all the duties of their office to the best of their understanding and ability, which oath shall be taken before the presiding judge of the court of common pleas in said county and filed in the office of the county clerk.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXIV.

A Further Supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall have appointed a committee of members of their body upon any subject or matter within their jurisdiction, or to examine any officer or said board or holding an appointment from said board in relation to the discharge of his official duties or conduct, or to the receipt or disbursement by him of any moneys in the discharge of said duties, or concerning the possession or disposal by him, in his official capacity, of any property belonging to said board or to the county, or to inspect or examine any book, account, voucher or document in the possession or under the control of such officer, relating to the affairs or interest of said county, it shall be lawful for the chairman of said committee, or any member thereof, to administer an oath or affirmation to any person attending as a witness before said committee, and for any judge of the circuit court of said county, on application made to him by the director of said board, to make an order awarding process of subpoena out of said court for persons wanted as witnesses before said committee to appear and testify before said committee; and upon filing such order in the office of the clerk of said court it shall be the duty of said clerk to issue process of subpoena, under the seal of said court, requiring such witness to appear and testify before said committee, which process of subpoena shall be served in the same manner and be of the same force and effect as like process issued out of said court; and any

Chairman of  
committee of  
board of chosen  
freeholders  
authorized to ad-  
minister oaths to  
witnesses, &c.

Judge of circuit  
court may order  
process of sub-  
poena to compel  
attendance of  
witnesses to ap-  
pear and testify.

Penalty for refusing to testify, &c.

Penalty for testifying falsely, &c.

person attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and in case of disobedience of such process, or of refusal to testify, or be sworn or affirmed, shall be subject to the same penalties, including punishment as for contempt of said court, as are provided in cases pending in said court; and any person who shall wilfully and corruptly testify falsely to any matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXV.

A Further Supplement to the act entitled "An act concerning public road boards," approved April twenty-first, anno domini one thousand eight hundred seventy-six.

Chosen freeholders to fix compensation of members of public road boards.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the public road boards of the several counties of this state, shall hereafter receive only such compensation as shall be fixed by the boards of chosen freeholders of said counties respectively; *provided*, that this act shall not be construed to apply to any members of said road boards who were elected or appointed as such prior to the year one thousand eight hundred and seventy-nine, and whose terms of office, by virtue of such election, have not yet expired.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXVI.

## An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school for boys. Appropriation.

2. *And be it enacted*, That to enable the trustees to procure an abundant supply of pure water the sum of five thousand dollars is hereby appropriated; *provided, however*, that none of the said amount shall be used in sinking driven wells. Appropriation for supply of water. Proviso.

3. *And be it enacted*, That the treasurer is hereby authorized to pay these several amounts to the trustees of the state reform school for boys on the warrant of the comptroller. Treasurer authorized to pay amounts.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXVII.

A Supplement to an act entitled "A further act respecting county physicians," approved March thirteenth one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall not be construed to affect the term or Act not construed to affect term or compensation.

compensation of any county physician appointed prior to the first day of January, eighteen hundred and seventy-nine.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXVIII.

A Supplement to "An act to regulate the sale of milk," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement, which section reads as follows :

Section to be amended recited.

"3. *And be it enacted*, That all penalties imposed under the provisions of this act, may be sued for in any county of this state where the offence is committed, in any court having competent jurisdiction, one-half of the fine to go to the person making the complaint, and the other half to be paid to the county collector for the benefit of the county," be amended to read as follows :

Section as amended.

Penalties imposed may be sued in county.

State board of health empowered to appoint an inspector of milk.

3. *And be it enacted*, That all penalties imposed by the provisions of this act, may be sued for in any county of this state where the offence is committed, in any court having competent jurisdiction; that the state board of health are hereby empowered and directed to appoint each year a competent person who shall act as inspector of milk, at a salary not exceeding six hundred dollars per annum, payable on the order of the president and secretary of the state board of health, approved by the governor, in quarterly payments, for the purposes of this act, and who shall act until removed by said board or until his successor is appointed; said inspector, having reason to believe the provisions of this act are being vio-

Power and duties of inspector.

lated, shall have power to open any can, vessel or package containing milk and not stamped or marked as directed by the first section of the act to which this is a supplement, whether sealed or otherwise, or whether in transit or otherwise; and if, upon inspection, he shall find such can, vessel or package to contain any milk which has been adulterated or from which the cream or any part thereof has been removed, said inspector is empowered to pour the contents of such can, vessel or package upon the ground, and bring suit against the person or party so violating the law, and the penalty when so collected by such suit, shall be paid into the treasury of this state; that when suit is brought under this act by any person other than such inspector, the penalty, when collected, shall one-half go to the complainant and the other half to the county collector for the benefit of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXIX.

An Act to provide for the payment of fixed annual salaries to the several prosecutors of the pleas in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act there shall be paid to the several prosecutors of the pleas in this state fixed annual salaries in lieu of fees, and at and after the following rates, viz:

To the prosecutors of the pleas of the counties of Atlantic and Ocean, each the sum of four hundred dollars;

To the prosecutor of the pleas of the county of Hunterdon, six hundred dollars;

Annual salaries  
of prosecutors of  
pleas.

Prosecutors of  
Atlantic and  
Ocean counties.

County of Hun-  
terdon.

County of Morris.

To the prosecutor of the pleas of the county of Morris, fifteen hundred dollars;

County of Monmouth.

To the prosecutor of the pleas of the county of Monmouth, twelve hundred dollars;

County of Mercer.

To the prosecutor of the pleas of the county of Mercer, eighteen hundred dollars;

County of Passaic.

To the prosecutor of the pleas of Passaic county, two thousand dollars;

County of Hudson.

To the prosecutor of the pleas of the county of Hudson, the sum of seven thousand dollars, and he shall defray the expenses of his assistant out of the salary so paid; that all of the salaries so fixed shall be paid in quarter-annual payments by the collectors of the several counties.

Salaries to be in lieu of all fees, costs, &c.

2. *And be it enacted*, That the said salaries shall be in lieu of all fees, costs and compensation or allowances now received by them or to which the said prosecutors of the pleas shall be entitled under existing laws, and all such fees, costs, compensation or allowances shall be taxed in all bills of costs, the same as now taxed, and shall be collected by the sheriffs of the several counties, and be by them paid over to the respective county collectors for the use of the said counties.

Fees, costs, &c., how taxed and by whom collected.

Salaries of prosecutors heretofore fixed, continued.

3. *And be it enacted*, That the salaries of the prosecutors of the pleas in the counties not herein specifically named, and which were heretofore fixed by special acts, shall be continued as thus established.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXX.

A Supplement to an act entitled "An act to establish a state board of health," approved March ninth, one thousand eight hundred and seventy-seven.



1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers conferred by the act to which this is a supplement, said board shall have full power and authority to examine and determine whether pleuro-pneumonia, rinderpest, or any other contagious or infectious disease exist among animals in any county in this state; and that the sum of five hundred dollars is hereby appropriated to defray the actual necessary expenses of said board while making such examinations.

State board of health empowered to examine and determine whether any contagious disease, &c., among animals exist in this state.

Appropriation to defray expenses.

2. *And be it enacted*, That in event of any contagious or infectious disease as aforesaid, breaking out or being suspected to exist in any locality in this state, it shall be the duty of all persons owning or having any interest whatever in said cattle, immediately to notify the said board of health, or any one of them, of the existence of such disease, and thereupon it shall be the duty of said board of health or any member thereof to immediately proceed to the place or places where said disease is reported to exist, and to quarantine said animal or animals, and take such precautionary measures as shall be deemed necessary; to prescribe such remedies as in their judgment will be conducive to the recovery of such animal or animals, and to enforce such regulations as may be adopted by said board of health.

Owners of animals to notify state board of health of existence of any contagious or infectious disease, &c.

Board to quarantine animal or animals and to prescribe remedies and enforce regulations, &c.

3. *And be it enacted*, That the board of health aforesaid, and all such assistants as they may appoint, whenever in their judgment or discretion it shall appear in any case that the disease is not likely to yield to any remedial treatment, or whenever it shall seem that the cost or worth of any such remedial treatment shall be greater than the value of any animal or animals so afflicted, or whenever in any case such disease shall threaten its spread to other animals, to cause the same to be immediately slaughtered, and their remains to be buried not less than four feet under ground, and all places in which said animals shall have been kept to be cleansed and disinfected.

Board may appoint assistants, &c.

Animals may be slaughtered and buried.

4. *And be it enacted*, That in all cases where animals afflicted with, or which shall have been exposed, shall have been slaughtered or killed by the order of the said board of health, or their assistants, it shall be the duty

Board of health or assistants to appoint freeholders to appraise value of animals, killed or slaughtered.

of said board to appoint three competent and disinterested freeholders to appraise the value of the animals so killed or slaughtered, at the time they were so killed; who shall be affirmed, or sworn before proceeding to act, to make a just and true valuation of said animals so killed, at the time of their slaughter, two-thirds of which said valuation or appraisement shall be paid to the owner or owners by the state.

Penalty for owner refusing or neglecting to notify board of health of existence of pleuro-pneumonia, &c.

5. *And be it enacted*, That any person or persons refusing or neglecting to notify said board of health, or any one of them, of the existence of pleuro-pneumonia, rinderpest, or any other contagious or infectious disease among cattle, shall be deemed and adjudged guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Bills for money expended how audited, approved and paid.

6. *And be it enacted*, That all bills for money expended under this act shall be audited by the comptroller of this state and then submitted to the governor for his approval, and after being thus audited and approved by the governor, shall be paid by the state treasurer upon warrant of the comptroller.

Proceedings of board to be published.

7. *And be it enacted*, That said board shall keep a full record of their proceedings and shall publish the same in the annual report of the state board of agriculture, yearly and every year during the existence of this law.

Penalty for buying or selling any animal affected with any contagious disease, &c.

8. *And be it enacted*, That if any person or persons shall knowingly either buy or sell or cause to be bought or sold any animal or animals affected with the pleuro-pneumonia, rinderpest, or any other contagious or infectious diseases, all such person or persons shall be deemed and adjudged guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court.

In case of emergency additional expenditure may be authorized.

9. *And be it enacted*, That in case an emergency shall arise and a larger sum shall be deemed necessary, that the amount appropriated by the preceding sections of this act, said state board of health shall present the facts in evidence to the president of the state agricultural society, and the president and executive committee of the

state board of agriculture, who shall authorize such additional expenditure as in their judgment they may deem the exigency of the occasion to demand; *provided*, that in no case shall the amount of money thus authorized to be expended exceed the sum of five thousand dollars in any one year. Proviso.

10. *And be it enacted*, That all acts and parts of acts in- Repealer. consistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

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## CHAPTER CCXXI.

A Further Supplement to the act entitled "An act for the settlement and relief of the poor" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, and supplemental to the supplement approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on application for relief being made to any overseer or overseers of the poor of any township by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the township in which such relief is required, and in case there is no justice of the peace of the said township, then to a justice of the peace of an adjoining township; and the proceedings in all other respects shall be the same as is now required by the said act and the said supplement. Upon application for relief overseer of poor to go before a justice of the peace, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXXII.

A Further Supplement to the act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five.

Seven or more persons may form a co-operation for carrying on any manufacturing trade, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of co-operation in carrying on any manufacturing or co-operative trade, authorized by the tenth section of the act to which this is a supplement, seven or more persons may associate themselves with a capital of not less than one thousand nor more than fifty thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

## CHAPTER CCXXIII.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-seven of said act, which is in the following words, to wit:

Section repealed.

" 87. *And be it enacted*, That in all cases of appeal from the judgment of any justice of the peace not rendered on the verdict of a jury, it shall and may be lawful for either party to appeal, upon giving notice in writing to

the clerk of the court of common pleas of the county at least ten days previous to the first day of the term to which the appeal shall have been sent up, if the trial be had at that term, or if not, then at least ten days previous to the first day of the term next succeeding, to demand a trial of said appeal by jury, and upon receiving such notice said clerk shall file the same in his office, and said appeal shall be tried by a jury in the same manner as jury appeals are now tried and determined; otherwise, such appeal shall be heard and determined by the court," be and the same is hereby repealed.

2. *And be it enacted*, That section eighty-eight of the act to which this is a supplement, and which is in the following words, to wit:

"88. *And be it enacted*, That every appeal from the judgment of any justice of the peace founded on the verdict of a jury, shall be heard and determined by the court to whom such appeal is or shall be made, unless either of the parties to the said appeal shall demand a trial by jury, in which case the sheriff shall return a jury either immediately or at such future time as the said court shall direct, and that by order of the court and without writ," be and the same is hereby amended to read as follows:

88. *And be it enacted*, That every appeal from the judgment of any justice of the peace founded on the verdict of a jury, where the judgment appealed from shall not exceed, exclusive of costs, the sum of thirty dollars, shall be heard and determined by the court to whom such appeal is or shall be made; and all appeals from the judgment of any justice of the peace founded on the verdict of a jury, where the judgment appealed from shall exceed, exclusive of costs, the sum of thirty dollars, shall demand a trial by jury, in which case said appeal shall be tried by jury, and the sheriff shall return a jury either immediately or at such future time as the said court shall direct, and that by order of the court and without writ.

Section to be amended recited.

Appeal founded on verdict of jury tried by court unless jury demanded where judgment appealed from shall not exceed thirty dollars, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

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# JOINT RESOLUTIONS.

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# JOINT RESOLUTIONS.

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## NUMBER I.

Joint Resolution in reference to pension claims of New Jersey volunteers.

**WHEREAS**, It is represented that a very large number of unsettled claims for pension of New Jersey volunteers are now pending before the pension department of the United States, and it is evident that many of these applications have been made by worthy soldiers in needy circumstances, and requiring only the attention of some official to urge their early settlement; therefore,

1. **BE IT RESOLVED** *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized and empowered to direct the adjutant general of the state to examine, either in person or by an assistant, into the class of claims for pension, just referred to, and urge their allowance by the proper auditing officers of the United States treasury.

2. *And be it resolved*, That the necessary expenses incurred in the performance of the duties above prescribed, shall be approved by the governor and paid by the treasurer on the warrant of the comptroller.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 10, 1880.

## NUMBER II.

Joint Resolution in reference to the protection of public records from destruction by fire.

WHEREAS, It is represented by the heads of certain departments of the state government that many valuable records and papers are exposed to danger from fire by reason of the offices of said departments having no fire-proof vaults connected with them; *and, whereas,* the destruction of said records and papers would prove an irreparable loss to the state; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the governor of the state is hereby authorized and requested to consult with the state officers, and if in his judgment it be practicable to alter or change rooms in the state house so as to furnish the necessary protection, he is authorized to cause the said work to be done as speedily as practicable; *provided,* that the cost thereof shall not exceed two thousand dollars, and he is further authorized to assign and cause to be suitably fitted up such rooms for the accommodation of the public officers of this state as he may deem necessary to facilitate the public business.

2. *And be it resolved,* That the comptroller shall draw his warrant upon the treasurer for the bill of expenses incurred in making the said alteration; *provided,* the said bills are approved by the governor.

3. *And be it resolved,* That this joint resolution shall take effect immediately.

Approved March 11, 1880.

## NUMBER III.

Joint Resolution to authorize the payment of the expenses of the New Jersey State Rifle Team and to pay the instructor of rifle practice.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of this state be and he is hereby authorized and empowered to draw his warrant for and the treasurer is authorized to pay the expenses incurred by the Military State Team that represented this state at the late fall meeting of the National Rifle Association at Creedmore, and that he pay the instructor of rifle practice according to his rank for the number of days actually on duty, on the approval of the governor.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 11, 1880.

## NUMBER IV.

## Joint Resolution in relation to the soldiers, sailors and marines of the Mexican War.

WHEREAS, The people of the United States owe a debt of gratitude to the gallant men who fought under their flag, on sea and land, in the Mexican War, a contest which has secured to the American Union territories of great value, which have yielded precious metals and cereal products in such abundance as to develop, in an extraordinary degree, our material interests, and promote our moral welfare; *and whereas*, since the termination of that glorious contest, over thirty years have elapsed, leaving many of the participants therein, aged, infirm or poor, while the general government has collected, on the soil acquired by their valor, immense revenues in the past, which will increase in an extraordinary ratio in the future; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our representatives in congress and our senators be requested to use their best efforts to procure the passage of an act granting pensions to the soldiers, sailors and marines of the Mexican War of eighteen hundred and forty-six, seven and eight.

2. *And be it resolved*, That his excellency, the governor, be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved March 12, 1880.

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# PROCLAMATION.

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# PROCLAMATION

BY

GEO. B. McCLELLAN, GOVERNOR OF NEW JERSEY.

## PROCLAMATION BY THE GOVERNOR.

If even when war and pestilence prevail we have ample cause to render thanks to the Almighty for His goodness, so much more reason have we now, when He has brought back prosperity to our land; when He has again blessed the farmer with abundant harvests; when He has restored activity to trade and manufactures, given work to the laboring men, in whose homes privation and want so long prevailed; when He has restrained the pestilence; when He has given us peace, health and prosperity.

For these good reasons, and in accordance with the established custom of the State, I, George B. McClellan, Governor of the State of New Jersey, do hereby designate Thursday, the twenty-seventh day of November, instant, as a day of public thanksgiving and praise throughout this State, when we may render thanks to Almighty God for His abundant benefits to us, and humbly beseech Him for a continuance of His blessings,

not according to our deserts, but in the superabundant measure of His mercy and loving kindness.

[L. s.]

Given under my hand and seal, at the Executive Chamber, in the city of Trenton, this eighteenth day of November, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the United States the one hundred and fourth.

GEO. B. McCLELLAN.

Attest:

JOHN A. HALL,  
*Private Secretary.*



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# SPECIAL PUBLIC ACTS.

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# SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND FOURTH LEGISLATURE.

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## CHAPTER XVII.

An Act to divide the township of Westampton, in the county of Burlington, into two townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Westampton, Township divided into two townships. in the county of Burlington, shall be and the same is hereby divided into two townships, in the following manner, that is to say: all that part of said township west of a line beginning at a point in the middle of the public road leading from Mount Holly to Jacksonville, and in the division line between the townships of Westampton and Northampton, and runs thence up the middle of said road to the line dividing the townships of Westampton and Springfield, shall constitute and be Boundaries of township of Westampton. known as the township of Westampton; and all that part lying east of said line shall constitute and be known as Township of Eastampton. the township of Eastampton.

2. *And be it enacted*, That the inhabitants of the township of Westampton are a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Westampton, in the county of Burlington," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the Corporate name.

same regulations, government and liabilities as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by existing laws of this state.

Corporate name.

3. *And be it enacted*, That the inhabitants of the township of Eastampton are constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Eastampton in the county of Burlington," and shall be entitled to all rights, power, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in said county of Burlington are or may be entitled or subjected to by existing laws of this state.

The first town meeting in Westampton when and where held.

4. *And be it enacted*, That the inhabitants of the township of Westampton shall hold their next annual town meeting at Rancocas Hall, in the village of Rancocas, in said township, on the second Tuesday of March next.

The first town meeting in Eastampton when and where held.

5. *And be it enacted*, That the inhabitants of the township of Eastampton shall hold their first town meeting at Smith's Hall, in the village of Smithville, on the second Tuesday of March next.

Judges and clerk of election.

6. *And be it enacted*, That William R. Wills, Abel Haines and John Clothier be and they are hereby appointed judges of elections, to hold and preside over the first town meeting, and William H. SHEMELEY is hereby appointed town clerk of said township of Westampton, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting as judge of election or town clerk shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy.

Proviso.

Judges and clerk of election.

7. *And be it enacted*, That Samuel G. Parker, John A. Crane and Joseph Gardiner be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Caleb S. Clunn is hereby appointed town clerk of said township of Eastampton, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting

as judge of election or town clerk shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy. Proviso.

8. *And be it enacted*, That the inhabitants of the township of Westampton and Eastampton shall vote by ballot at their first town meeting, and annually thereafter for the election of township officers according to the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of the state to vote by ballot at their town meeting," approved March twenty-second, one thousand eight hundred and sixty, and the supplements thereto, shall apply to the townships of Westampton and Eastampton. Elections to be by ballot.

9. *And be it enacted*, That the town committees of the townships of Westampton and Eastampton shall meet on the Monday next after the annual town meetings in the said townships of Westampton and Eastampton, at Rancocas Hall, in the village of Rancocas, in the township of Westampton aforesaid, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Westampton and the inhabitants of the township of Eastampton shall be liable and required to pay their just proportions of the debts respectively, if any there be, and shall receive their just proportion of all property, if any there be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the division of a majority of those present shall be final and conclusive. Town committees to meet and allot and divide properties and moneys, &c.

10. *And be it enacted*, That nothing in this act shall be so construed to impair or in anywise affect the rights of each of the said townships of Westampton and Eastampton in and to their just and legal portion of the The right to surplus revenue not to be impaired or affected.

surplus revenue of the general government, and the interest due or becoming due thereon.

Assembly district.

11. *And be it enacted*, That the townships of Westampton and Eastampton shall form part a of the third assembly district of the county of Burlington.

12. *And be it enacted*, That this act shall take effect immediately.

Passed February 11, 1880.

## CHAPTER XVIII.

An Act to divide the township of Cinnaminson, in the county of Burlington, into two townships.

Preamble.

WHEREAS, The inhabitants of the township of Cinnaminson, in the county of Burlington, have become so numerous that it is impracticable for them to meet and transact the township business, at their annual and other town meetings, with convenience and good order, in one assembly, for remedy whereof;

Township divided.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Cinnaminson, in the county of Burlington, shall be and the same is hereby divided into two townships, in the following manner, that is to say; all that part of said township west of a line running from Charles Haines' flood-gates by the Delaware river, in a southeasterly direction (parallel with the public road leading by Taylor's station, on the Camden and Amboy railroad to New Albany), in a straight line to the northern boundary line of the township of Chester, shall constitute and be known as the township of Cinnaminson; all that part lying east of the said line shall constitute and be known as the township of Delran.

Boundaries of Cinnaminson township.

Delran township.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Cinnaminson are a body politic and corporate in law, and shall be styled and known by the name of

"The inhabitants of the township of Cinnaminson, in the county of Burlington," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Delran are constituted a body politic and corporate in law; and shall be styled and known by the name of "The inhabitants of the township of Delran, in the county of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in said county of Burlington are or may be entitled or subjected to by existing laws of this state. Corporate name.

4. *And be it enacted*, That the inhabitants of the township of Cinnaminson shall hold their next annual town meeting at Harris' Hall, in the village of Westfield, in said township, on the second Tuesday of March next. Next town meeting when and where held.

5. *And be it enacted*, That the inhabitants of the township of Delran shall hold their first town meeting at the town house in said township on the second Tuesday of March next. Town meeting where and when held.

6. *And be it enacted*, That the town committees of the townships of Cinnaminson and Delran shall meet on the Monday next after the annual town meetings in the said townships of Cinnaminson and Delran, at the town house in the township of Delran, aforesaid, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Cinnaminson and the inhabitants of the township of Delran, shall be liable and required to pay their just proportion of the debts, respectively, if any there be, and receive their just proportion of all property, if any there be; and if any of the persons comprising either of the township committees Town committees to meet, allot and divide properties and money.

should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the division of a majority of those present shall be final and conclusive.

Right to surplus  
revenue not to  
be affected.

7. *And be it enacted*, That nothing in this act shall be so construed to impair, or in anywise affect the rights of the said township of Delran in and to its just and legal portion of the surplus revenue of the general government and to the interest due or becoming due thereon.

Assembly  
district.

8. *And be it enacted*, That the township of Delran shall form part of the second assembly district of the county of Burlington, as heretofore, when included within the township of Cinnaminson.

9. *And be it enacted*, That this act shall take effect immediately.

Passed February 12, 1880.

## CHAPTER XXIV.

An Act to prevent the sale of intoxicating liquors within one mile and a half of the Island Heights Camp Meeting Ground, in Ocean county, New Jersey.

Unlawful to sell  
liquors, &c.,  
within certain  
limits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to sell, vend or barter spirituous liquors, wine, ale, beer or any intoxicating liquors of any kind whatever, within one mile and a half from Island Heights Camp Meeting Ground, in Ocean county, state of New Jersey, except for medicinal purposes, at regular drug stores and under the prescriptions of regularly practicing physicians; any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor and fined fifty dollars and costs for each offence, said fine to be paid to the overseers of the poor for the support of the poor of the county.

Penalty for vio-  
lation of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.

### CHAPTER XXXIII.

A Supplement to "An act to provide for establishing and marking the boundary line between the counties of Passaic and Bergen," approved April fourth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under the act to which this is a supplement, and who have ascertained and established a portion of the boundary line between the counties of Bergen and Passaic, shall proceed without unnecessary delay to establish and mark the remainder of such boundary line, and within four months after the taking effect of this act shall complete such work, and file in the office of the secretary of state the survey required to be made and filed by the act to which this is a supplement.

Commissioners to establish and mark remainder of boundary line and file survey.

2. *And be it enacted*, That in taxing and allowing the expenses of such survey and the compensation of the commissioners and their employees and agents, as provided in the act to which this is a supplement, the justice of the supreme court holding the circuit in Bergen and Passaic counties, or in his absence the president judges of the courts of common pleas of said counties, may tax and allow not exceeding eight hundred dollars for such expenses and compensation, which sum shall include every expense heretofore and hereafter incurred by said commissioners in the necessary performance of their duties under this act and the act to which it is a supplement; which costs and expenses having been taxed as aforesaid shall be equally paid by the said counties to an amount not exceeding the said sum; but no moneys

Amount of expenses and compensation of commissioners, &c., by whom taxed.

Costs and expenses by whom paid.

shall be paid by the collector of either of said counties for said purpose until the said work shall have been wholly completed and the costs taxed as aforesaid.

Repealer.

3. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent herewith be and the same is hereby repealed, and this act shall take effect immediately.

Approved February 19, 1880.

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### CHAPTER XLIII.

An Act to change the name of the village of Bricksburg.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the village of Bricksburg, in the township of Brick, county of Ocean, and state of New Jersey, be changed to "Lakewood," and by said name of Lakewood be hereafter known and called.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved February 25, 1880.

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### CHAPTER CIX.

An Act to set off a part of the township of Mullica to the township of Galloway, and a part of the township of Galloway to the township of Mullica, in the county of Atlantic.



1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mullica, in the county of Atlantic, lying and being southeasterly from the city of Egg Harbor City, in said county, be and the same is hereby set off from the said township of Mullica, and annexed to and made a part of the township of Galloway, in said county, and all that part of said township of Galloway, lying and being northwesterly of the northwesterly line of said Egg Harbor City, be and the same is hereby set off from said township of Galloway, and annexed to and made a part of the said township of Mullica.

Part of Mullica township annexed to Galloway township.

Part of Galloway township annexed to Mullica township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

## CHAPTER CL.

A Supplement to an act entitled "An act to set off a portion of Maurice River township, in the county of Cumberland, into the Upper township, county of Cape May, and change the boundaries between said counties.

WHEREAS, A portion of the territory of the township of Maurice River, in the county of Cumberland, was ceded to the Upper township, in the county of Cape May, upon the condition expressed in the act itself, that the said Upper township should assume a proportion of the bonded indebtedness of the township of Maurice River, from which the said territory was taken; *and whereas*, the fourth section of the act to which this is a supplement, which was intended to provide for the proper apportionment of said indebtedness, failed to designate, among other things, how the same should be paid, and has proved to be insufficient for the purpose intended; therefore, to remedy said defect,

Preamble.

Names of commissioners.

Commissioners to determine portion of bonded indebtedness to be paid.

Commissioners to certify amount of bonded indebtedness.

Town committee authorized to issue bonds.

Amount of bonds to be levied and assessed on portion of township.

How collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan W. Hoffman, of the township of Maurice River, in the county of Cumberland, Samuel B. Jarman, of the Upper township, in the county of Cape May, and Smith Reeves, of the city of Millville, in the county of Cumberland, be and the same are hereby appointed commissioners, whose duty it shall be to determine, on or before the tenth day of April, one thousand eight hundred and eighty, what portion of the bonded indebtedness of Maurice River township existing on the twenty-sixth day of March, one thousand eight hundred and seventy-eight, the date of the passage of the act to which this is a supplement, shall be paid by that portion of said Maurice River township set off into the Upper township, in the county of Cape May.

2. *And be it enacted*, That when the said commissioners, or a majority of them, have decided what amount of said bonded debt shall be paid by that portion of Maurice River township ceded to Upper township, county of Cape May, they shall immediately certify the said amount in writing to the township committee of Upper township, county of Cape May, and thereupon the said township committee are hereby authorized and required to execute, on or before the first day of May, one thousand eight hundred and eighty, bonds in the name of said Upper township to the said township of Maurice River, in the county of Cumberland, for the amount of money which the said commissioners shall determine and certify to be paid as aforesaid, said bonds to be due and payable in one, two, three and four years, being in equal annual payments.

3. *And be it enacted*, That the amounts of said bonds shall be added and levied and assessed in that portion of said Maurice River township set off into the Upper township, in the county of Cape May, each and every year as aforesaid until this proportion shall have been paid, and the assessor of said Upper township is hereby authorized and required to assess the amount necessary to pay said bonds at the same time that the assessment for other taxes is made, and the collector of said township is hereby authorized and required to collect the same and pay the bonds given by said Upper township

aforesaid to the township committee of Maurice River township, at the several times the same are made payable.

4. *And be it enacted*, That the commissioners appointed by this act shall have full power and are hereby authorized to call on and receive from the officers of Maurice River township, all books and papers relating to said bonded indebtedness. Commissioners to receive books and papers, &c.

5. *And be it enacted*, That the township of Maurice River, in the county of Cumberland, and the portion of said Maurice River township set off into Upper township, in the county of Cape May, shall pay their proportional part of the expenses that have been, or may hereafter be incurred in the settlement between said townships, at such rates per diem as the respective township committees receive for their services, including their necessary traveling expenses, and so forth. Expenses of settlement, &c., by whom paid.

6. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 11, 1880.

## CHAPTER CCXXIV.

### An Act to facilitate judicial proceedings in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court in and for the county of Hunterdon, shall hereafter consist of one law judge, and two lay judges in addition to the justice of the supreme court, holding the circuit for said county, and said law judge shall be a counsellor at law of this state, of at least five years standing, and shall be known as the president One of the judges to be a counsellor at law.

Proviso.

judge of said courts, and shall hold office for the term of five years, and shall be appointed in the same manner as justices of the supreme court are now appointed; *provided*, that the present number of lay judges may be continued until the number is reduced to two by expiration of term of office or other vacancy as to one of the number.

Presiding judge.

2. *And be it enacted*, That whenever the justice of the supreme court holding the circuit court for said county shall be absent, such law judge provided for by this act shall be president judge of said courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court of said county.

Courts may hold special terms.

3. *And be it enacted*, That the courts of common pleas, general quarter sessions of the peace, and orphans' court in and for said county of Hunterdon, may hold adjourned and special terms of said courts, or either of them, under the regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.

Indictments and crimes tried there when deemed necessary.

4. *And be it enacted*, That indictments for all crimes within the jurisdiction of the court of general quarter sessions of the peace shall be handed down by the court of oyer and terminer and general jail delivery into and tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court, and to deliver the jail.

Persons charged with offence may waive indictment and trial by jury.

5. *And be it enacted*, That whenever any person shall be charged upon oath before any justice of the peace, or police justice or any other officer authorized to hear said charge in the county of Hunterdon, with any offence now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately; it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the president judge of the said court

of common pleas, for the immediate trial of said person, and said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet at the court house in said county, which court is hereby empowered and required to try such persons with all due speed, having due regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses, and to determine the guilt or innocence of the person charged; if such person be acquitted by said court he or she shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person had been duly indicted and convicted, and it shall be the duty of said prosecutor (in person or by deputy), to attend upon said trial, prefer to said court an allegation, in writing, alleging the time, place and nature of the offence with which such person is charged, and to which such person shall forthwith plead, and the proceedings for bringing such person for trial before said court, the accusation, place, trial and sentence shall be in conformity with law, and the practice heretofore, except the same are altered by this act, and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid.

6. *And be it enacted*, That the clerk of the said county of Hunterdon shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpoena or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court, and in all things pertaining to the office, as heretofore.

County clerk and  
sheriff to be  
officers of court.

Persons charged  
with larceny to be  
tried before said  
court.

7. *And be it enacted*, That hereafter no person charged with larceny in said county of Hunterdon shall be tried otherwise than before said court of special quarter sessions hereby provided for, or on regular indictment according to the usual course of proceedings at law.

Compensation of  
law judge.

8. *And be it enacted*, That the law judge provided for by this act shall receive a salary of fifteen hundred dollars per annum, payable in quarterly payments by the collector of said county, but shall receive no other compensation whatever; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the courts whereof he shall be judge.

Proviso.

9. *And be it enacted*, That in all matters within the jurisdiction of the said several courts relating to the practice and settlement of legal rules and questions, the said law judge shall, in the absence of the justice of the supreme court holding the circuit court for said county, have exclusive power and authority to determine such rules, questions and practice.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

. Approved March 12, 1880.

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# PRIVATE LAWS.

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# PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND FOURTH LEGISLATURE.

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## CHAPTER V.

An Act for the relief of Walter F. Bartlett.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Rights and priv-  
ileges restored.</sup> *the State of New Jersey*, That Walter F. Bartlett, of the county of Mercer, be and is hereby restored to all his former rights and privileges as a citizen of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

## CHAPTER XI.

## An Act for the relief of Rudolph H. Puhlman.

Rights and privileges restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Rudolph H. Puhlman, of the city of Jersey City, county of Hudson, be and he is hereby restored to all the rights of citizenship.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

## CHAPTER XCVI.

An Act to repeal a portion of an act entitled "A supplement to an act entitled 'An act to incorporate the Union and Middlesex Counties Mutual Agricultural Association,' " approved March twenty-seventh, anno domini one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered one of said supplement, which reads as follows, viz :

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the said association shall have power to assess upon each member a sum not exceeding twenty-five dollars per annum, upon each share of stock owned by him ; and if any assessments shall not be paid at such time as the board of directors may direct, the privileges of membership of the non-paying members, and the right of trans-

ferring their stock, shall be suspended until such assessments shall be paid ; and if any assessment or assessments shall not be paid within six months after such assessment or assessments shall become due, then the share or shares of stock upon which said assessment shall remain due and unpaid may be forfeited by the board of directors, and sold at public auction for the benefit of the association ; and any excess of net proceeds arising from said sale shall be paid to such person, his heirs or assigns, on whose account the share has been sold ; *provided*, that at least sixty days' notice shall be given of an assessment being payable, and at least sixty days' notice to the non-paying member, his heirs or assigns, before any sale shall be made under a forfeiture ; and the said board of directors shall also have the power to make such further assessments upon the shares of stock of said association as may be necessary to pay and discharge the present indebtedness of the association, subject to the same conditions and penalties as are above expressed in relation to the annual assessment of members," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that it shall take effect immediately.

Approved March 4, 1886

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## CHAPTER XCVII.

An Act to authorize the trustees of the Methodist Episcopal Church of Port Republic to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Port Republic, (in the county of Atlantic), be and they are hereby authorized to sell and convey all the real estate conveyed to said trustees

Trustees authorized to sell and convey real estate.

or church by Ebenezer Adams, by deed dated the thirtieth day of December, anno domini one thousand eight hundred and seventy-eight, and of record in the clerk's office of Atlantic county, at May's Landing, New Jersey, in liber seventy-two of deeds, folio two hundred and eighty-nine, et cetera, and that the deed or deeds of conveyance made by said trustees in pursuance of the authority given by this act, shall be valid and effectual in law and vest in the grantees therein named, a good and indefeasible title in fee simple to the real estate therein described.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

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# ACTS

OF THE

# One Hundred and Fifth Legislature

OF THE

# STATE OF NEW JERSEY,

AND

**THIRTY-SEVENTH UNDER THE NEW CONSTITUTION.**



GLOUCESTER CITY, N. J.:

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The following General Public Laws passed at the One Hundred and Fifth Legislature, are compiled in accordance with the act entitled "An act relative to the public printing," approved March 10th, 1880, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts." The General Public Acts are printed in the front part of the volume. The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index. The Special Public and Private Acts follow in the order of their approval, and with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,  
*Secretary of State.*



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# GENERAL PUBLIC LAWS.

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# GENERAL PUBLIC ACTS

PASSED BY THE

## ONE HUNDRED AND FIFTH LEGISLATURE.

### CHAPTER I.

An Act authorizing the United States to change the channel  
of Cheesequakes creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey consents and authorizes the United States to change the channel of Cheesequakes creek, where it empties into Raritan bay, in the county of Middlesex and its tributary, according to the plans and report of Brevet Major General John Newton, transmitted by the secretary of war to the forty-sixth congress of the United States, as follows:

The United States authorized to change channel, &c.

“The proposed improvement of the bar is by means of jetties of heavy stones running out into the bay about fifteen hundred feet, nearly at right angles to the present shore line, and about two hundred and fifty feet apart, on a platform made of pile timber securely rafted; these jetties are to be built to the level of mean high water at the shore ends and gradually slope to the level of half tide at the outer ends; the

Description of proposed improvement.

width on top is to be six feet, with a batter of one upon two, on the seaward or outside and one upon one, on the channel side; a channel two hundred feet wide and five feet deep at mean low water is to be dredged from the present channel to the outer ends of the jetties; the present flow of the creek is to be dammed by a dike from the railroad bridge across the present channel to the gravel bar, as soon as a new channel is completed; at the mouth of Buck creek it is proposed to construct a jetty about two hundred feet long, to give a proper direction to the flow of that creek at its junction with Cheesequakes creek; from Buck creek to New Landing, there is a fair channel of four feet and over at mean low water; at the latter place it is proposed to turn the creek by means of a cut through the salt meadow, thereby avoiding a bad bar just above, and also a sharp bend in the channel; this cut will enter the creek again at Forman's dock, but in order to get rid of a sharp bend just above this dock, it is proposed to carry the cut still further and to dredge off the point of salt meadow on the opposite side of the creek; in order to make this cut effective, two short dikes are required, one starting from the shore at or near New Landing, and running on the left of the channel for about seven hundred feet, and another above Forman's dock, about three hundred feet long, to turn the water into the new channel; a small amount of dredging is also required to give a channel of four feet at mean low water for a short distance above; about one-quarter of a mile above Forman's dock there is another sharp bend, which it is proposed to cut off, by dredging through the salt meadow; this cut will be about eight hundred feet long, and requires about three hundred feet of dike where it enters the old channel again; from this point it will require dredging to give a channel of four feet at mean low water, nearly all the way to Whitehead's dock, there being only a few holes of more than that depth; Stump creek, which joins Cheesequakes creek between the railroad and county road bridges, it is proposed to dredge a channel three feet deep, at mean low water, and fifty feet wide; all the dikes are to be according to the general plan, with a width of five feet from out to out of piling, and filled with rubble stone, with such modifications as shall be necessary as the work progresses, in order to accomplish the improvement contemplated."

2. *And be it enacted*, That the board of chosen of freehold-ers of the county of Middlesex, are authorized to remove the present bridge across the mouth of Cheesequakes creek, to and across the new channel when the said new channel shall be completed by the United States government.

Board of freeholders authorized to remove bridge, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

GEORGE C. LUDLOW,  
*Governor.*

HARRISON VAN DUYNE,  
*Speaker of the House.*

GARRET A. HOBART,  
*President of the Senate.*

## CHAPTER II.

A Supplement to "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person serving out a sentence of imprisonment in the state prison, or in any county penitentiary or in any county jail in this state, shall escape from such prison, penitentiary or jail, and shall be recaptured, such person shall be required to serve out the whole of the term for which he was originally sentenced, without deducting any of the time he shall have been at large after so escaping; and it shall be the duty of the keeper or warden of such prison, penitentiary or jail, to enter upon his record of prisoners the time of the escape of any such prisoner, and the time when he shall be returned to custody, and the entry so made shall be *prima facie* evidence of the time such prisoner has been absent from custody, in computing the remaining period for which he is to be confined in the prison, penitentiary or jail to which he was originally sentenced.

Person escaping from state prison, jail, &c., on recapture shall serve out whole of term for which he was sentenced.

Keeper or warden to make entry of escape and recapture.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

### CHAPTER III.

An Act to authorize cities to exchange registered for coupon or registered bonds.

WHEREAS, several of the cities of this state have heretofore issued registered bonds, which, by reason of the settlement of estates or other legal cause, renders it necessary to divide or parcel the original amount of such bonds, and because of the present law such division by exchange or surrender of the original bonds is stopped, thereby causing much inconvenience and loss; therefore,

Authorities may issue registered bonds in exchange for coupon or other bonds.

Proviso.

Proviso

Bonds issued to be registered in proper books.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the financial authorities of any city of this state, where coupon or registered bonds have been heretofore issued or may be hereafter issued, may upon application issue registered bonds in exchange for either coupon or registered bonds in such amounts as said authorities may in their discretion determine, and which bonds so exchanged shall be made payable at the same time and bear the same rate of interest as the bonds surrendered for exchange and which surrendered bonds shall be cancelled; provided, *that no authority for any increase of indebtedness shall be inferred from this act*; and provided further, *that any bond re-issued or issued in substitution under this act shall be subject to any defence, legal or equitable, which was or would have been available against the bond or bonds originally issued.*

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registration thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books.



3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

## CHAPTER IV.

### An Act in relation to official bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of the official bond of any officer of any county, city, incorporated town, village, borough or other municipality, or of any township in this state, shall be duly acknowledged and proven in the manner provided by law for taking the acknowledgment and proof of deeds, it shall be lawful for the clerk of the county wherein such officer resides to record such bond, with the acknowledgment and proof of the execution of the same, in a book labeled "public officers' bonds," which book shall be provided by him at the expense of the county, and shall be indexed in the names of the officers and their sureties, and of the corporations to which the bonds are respectively given; for which service the said clerk shall be entitled to demand and receive the sum of one dollar; and a copy of such record, duly certified under the hand and seal of such clerk, for the time being, shall be evidence in all courts and places the same as if the original bond were produced.

County clerks to record the official bonds of officers of counties, cities, &c.

Fee for recording.

Certified copy of record to be evidence.

2. *And be it enacted*, That if the accounts of any such officer shall be at any time examined by the authorities of the corporation to whom his bond is given, or by the proper board, committee or officer of such corporation, and shall be by such board, committee or officer, certified to be correct, and such certificate shall be duly acknowledged and proved, in the same manner as the bond, it shall be lawful for the clerk of the county to file said certificate in his office, and to note the substance thereof on the side or bottom margin of the page containing the record of the bond, for the information of all concerned.

Certificate of the examination of accounts of officers, &c., may be filed with county clerk.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

## CHAPTER V.

A Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Husband or wife of person charged with murder or manslaughter may testify as witness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon any trial hereafter had, of any indictment of any person charged with the crime of murder or manslaughter, the husband or wife of the person so charged shall be admitted to testify as a witness upon such trial, if he or she offer himself or herself as a witness therein on behalf of the person so charged.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

## CHAPTER VI.

**A Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.**

**WHEREAS,** The provisions heretofore in force relative to the Preamble.  
advertisement of sales of lands have not been in all respects complied with, whereby the titles to certain lands are alleged to be defective or uncertain ;

**1. BE IT ENACTED** *by the Senate and General Assembly of* Sales of real estate heretofore made not invalidated by irregularities.  
*the State of New Jersey,* That no sale of real estate heretofore made shall be invalidated by reason of any omission to advertise any adjournment of sale, or any irregularity in the advertisement of any adjournment of sale, but the purchaser of any such real estate having paid the price thereof and received his or her deed, shall be deemed to have as good and complete title thereto, as if such adjournment had been in all particulars duly advertised.

Approved February 5, 1881.

## CHAPTER VIII.

An Act to authorize an increase in the number of the directors or managers of railroad companies.

Directors or managers of railroad companies authorized to select stockholders to act as vice presidents.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors or managers of any railroad company, incorporated under or by the laws of this state, be and they are hereby authorized and empowered to add to their number by selecting from the body of stockholders, from time to time, an additional member or members, who shall be and act as a vice president or additional vice presidents of such company, and who shall have such powers and perform such duties and receive such compensation as the board of directors or managers, by its by-laws, rules, regulations or by resolution, may establish and direct; *provided, however*, that the number of directors or managers of any such company, shall not, thereby, be increased beyond twenty.

2. *And be it enacted*, That this act shall take effect immediately, and all acts, or parts of acts, inconsistent with this act, are hereby repealed.

Approved February 8, 1881.

## CHAPTER X.

An Act to reduce the expenses of public road boards, and to place them under the control of the boards of chosen freeholders of the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners constituting the county public road boards, which now exist or may hereafter exist in any of the counties of this state, under the laws thereof, shall consist of members of the boards of chosen freeholders of said counties respectively, to be appointed in the same manner as the standing committees of the said boards of chosen freeholders are or may be appointed for the time being, which persons so appointed shall continue in office only during the time for which they shall have been elected as such chosen freeholders, but be subject to removal at the pleasure of said boards of chosen freeholders, and shall receive only such compensations for their services as such commissioners as shall be fixed from time to time by the said boards of chosen freeholders; *provided*, that no more than a major part of the commissioners of any public road board shall be of the same political party; *and provided, further*, that nothing herein contained shall be construed to affect the tenure of office or compensation of any commissioner now in office and in actual service as a member of any such road board: but that every such person who duly qualified and entered on the discharge of his duties on or before the first Monday of January, one thousand eight hundred and eighty-one, and has ever since been actually serving as such member, whether elected by the people or by the said boards of chosen freeholders, under any general or special law of this state, shall be entitled to hold his said office during the time for which he was so elected; *provided*, that the provision of this act shall not apply to or affect in any way township road boards.

Commissioners  
of public road  
boards, how  
appointed and  
term of office,  
compensation,  
&c.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That all acts and parts of acts incon-

sistent with any of the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 10, 1881.

## CHAPTER XI.

An Act to provide for the relief of the poor in cities.

Appropriations  
for relief of the  
poor, how  
made and  
amount, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation made for the aid and relief of the poor in cities for the year ending in one thousand eight hundred and eighty, has been already expended and was insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city, or in the absence of such board then the board of aldermen of any such city, to make a further appropriation at any time, in such amount not exceeding two thousand dollars, as said board of finance or aldermen may deem reasonably necessary, for the purpose of such aid and relief.

Board may bor-  
row money  
and issue evi-  
dences of in-  
debtedness, &c.

2. *And be it enacted*, That said board of finance or aldermen is hereby authorized to borrow the amount of money which it may by this act appropriate, for the purpose of such appropriation in anticipation of taxes next thereafter to be levied, and to issue proper evidence of indebtedness therefor, which shall be signed by the mayor, sealed with the seal and attested by the clerk; and the said board of finance or aldermen, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

## CHAPTER XII.

An act authorizing townships to prevent cattle running at large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the voters of any township in this state, if there be no special law on the subject then in force in said township, at their annual town meeting, to vote by ballot, whether cattle, sheep or horses shall be permitted to run at large in said township; and if a majority of the voters voting at said election shall vote to prevent the same, such determination shall continue in force and shall not be altered for the term of two years.

Voters to vote whether cattle, sheep or horses shall run at large.

Determination of majority of voters to continue in force two years.

2. *And be it enacted*, That it shall be lawful for any person to drive or convey to the public pound of the township voting as aforesaid, any cattle, sheep or horses found running at large in the streets or highways, and impound the same; and the keeper or keepers of the public pounds in the township are required to receive all such cattle, sheep or horses, under a penalty of ten dollars, to be recovered in an action of debt, in any court of competent authority, by any person prosecuting for the same, for his own use and benefit, for each infraction of this act; the keeper shall have twenty-five cents per head for letting in, and fifteen cents per head for letting out of the pound, and for feeding and keeping while in the pound, twenty-five cents per head for each day or part of a day they shall continue in said pound; and if the owners of said cattle, sheep or horses so impounded shall not pay the charges for impounding and keeping the said cattle, sheep or horses, within five days after the same shall be impounded, and take the same away, it shall be the duty of the said pound keeper to sell the same, giving at least five days' notice of such intended sale, set up in three or more public places in such township; and if the owner shall not redeem the same before the time so notified, then the pound keeper shall sell the same

Cattle, &c., may be impounded found running at large, and keeper of pounds shall receive all cattle, &c.

Fee for letting in and out of pound.

Failure of owner to pay for impounding, &c., keeper to sell cattle, &c.

accordingly, and out of the money arising from such sale shall pay the charges of conveying to and letting in the pound, keeping and feeding the same, and one dollar for advertising and selling the same, and pay the surplus to the owner or owners of said cattle, sheep or horses, if they shall appear and claim the same within six months after such sale; and if the owner or owners shall not appear within six months as aforesaid, then to the overseer of the township, for the use of the poor of said township.

Fee for bringing cattle, &c., to the public pound.

3. *And be it enacted*, That for bringing cattle, sheep or horses to the pound, the party bringing the same shall receive twenty cents a head from the pound keeper, to be by him collected from the owner, in same manner as fees provided for in second section.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

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## CHAPTER XIII.

An act to extend the time of chartered railroad companies whose time for completing their railroads shall expire in the year one thousand eight hundred and eighty-one, where work has been performed on said railroads, or money expended thereon.

Time for completion of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under special acts shall expire in the year one thousand eight hundred and eighty-one, such time shall be and the same hereby is extended for the further period of two years; *provided, however*, that money shall have been actually expended in surveys, or location of route, or in acquiring rights of way, or in construction of such railroad.

Proviso.



2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

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## CHAPTER XV.

A Supplement to an act entitled “ An act to authorize the apportionment of taxes, assessments and water rents,” approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any part of any plot or parcel of land has or shall be taken for the opening, widening or extension of any street or avenue in any township or city in this state, all taxes, assessments and water rents that shall be a lien upon the whole plot or parcel of land from which such plot or parcel shall be taken for such opening, widening or extension as aforesaid, shall be equitably and justly apportioned between the plot or parcel so taken for such opening, widening or extension, and the balance that shall remain of the plot or parcel from which the same has or shall be taken as aforesaid, in the same manner and form, and by the same authority as is provided in said act to which this is a supplement.

Taxes, assessments and water rents upon plots or parcels of land taken for opening, widening or extension of any street, &c., how apportioned.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

## CHAPTER XVI.

An act providing that any husband or wife may give evidence in their own behalf, or for or against each other, in proceedings for divorce on account of adultery.

Husband and wife may give evidence in proceedings for divorce.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any husband or wife may give evidence on their own behalf, or for or against each other, in any proceedings in this state for divorce on account of adultery, any law of this state to the contrary notwithstanding; *provided*, this act shall not apply to any proceedings for divorce commenced before the passage of this act.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this shall be a public act, and take effect immediately.

Approved February 16, 1881.

## CHAPTER XVII.

An act to provide for excavating a cellar and relaying floor in the front part of the state house.

Treasurer authorized to excavate cellar and have a new floor laid, &c, in state-house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and directed to cause a cellar to be excavated under the front part of the state house, and a new floor to be laid in the front hall and rotunda thereof, corresponding as nearly as practicable, with the marble floor in the centre and rear part of the building, and the treasurer is hereby author-

ized to pay, upon the warrant of the comptroller, the bills for the said work out of any moneys in the treasury not otherwise appropriated ; *provided*, that the entire cost of the work shall not exceed the sum of three thousand five hundred dollars. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

## CHAPTER XVIII.

A Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of notice given, or other proceeding taken for the purpose of examining or taking the deposition of any witness within this state, pursuant to the laws of the United States, to be used in any civil action or proceeding pending in any court of the United States, or pursuant to the laws of any other state or territory, to be used in any civil action or proceeding pending in any court of such state or territory, any justice of the supreme court of this state may, upon application made to him with proof by affidavit that the testimony of such witness is material to the applicant, make an order awarding process of subpoena out of the said court, for such witness to appear and testify in pursuance of such notice or other proceeding, and before such commissioner or person as shall be named in such order, and upon filing such order in the office of the clerk of the supreme court, it shall be the duty of the said clerk to issue process of subpoena, under the seal of the said court, requiring such witness to appear and testify accordingly, which shall be served in the same manner, and be of the same force and effect as like process in any other case, and any person

Justice of supreme court may make an order awarding process of subpoena for witnesses to appear and testify.

Clerk to issue process, &c.

attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and any witness disobeying such process shall be subject to the same penalties as are provided for in cases pending in the supreme court of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

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## CHAPTER XIX.

An act to repeal section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six.

Section to be  
repealed re-  
cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six, which reads as follows:

Section re-  
pealed.

"5. *And be it enacted*, That there shall be allowed to the secretary of state for making and preparing marginal notes and an index as aforesaid, the sum of fifteen cents for every hundred words," be and the same is hereby repealed.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved February 16, 1881.

## CHAPTER XX.

An act to amend section three of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six, be and is hereby amended so as to be and read as follows:

"3. *And be it enacted*, That the newspapers designated in accordance with the foregoing sections shall be deemed the legal newspapers of the state for that year, and shall be authorized to publish all the general public acts, and such special public acts only as may be applicable exclusively to the respective counties in which the said papers are published, and no publisher shall be entitled to receive compensation for publishing any act, unless such publication shall be made within ninety days after the said act shall have been filed in the office of the secretary of state; the compensation for publishing the laws published in pursuance of this act shall be at the rate of sixty cents per folio of one hundred words, which shall be paid from the state treasury upon the warrant of the comptroller, and it shall be the duty of the secretary of state to furnish to the said newspapers copies of the laws herein required to be published;" *provided*, that nothing in this act shall be so construed as to render illegal any public notices or advertisements whatever, and shall only apply to the publication of the laws.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved February 16, 1881.

## CHAPTER XXI.

An act to amend section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," [Revision,] approved April seventeenth, one thousand eight hundred and forty-six.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," [Revision,] approved April seventeenth, one thousand eight hundred and forty-six, be and is hereby amended so as to be and read as follows :

Section as amended.

"9. *And be it enacted*, That the secretary of state shall cause a true copy of each and every law, so delivered to him to be made, and within four weeks from the end of every sitting of the legislature, deliver the same to the person appointed to print the laws of the state ; and it shall be the duty of the secretary of state to assist the printer who may be appointed as aforesaid, in comparing the proof sheets with the original laws, for which purpose the said printer is required to attend at the office of the secretary of state, with the proof sheets of all such laws as he may be appointed to print ; and it shall also be the duty of the said secretary of state to make marginal notes to said laws."

Secretary of state to furnish copies of laws to printer, &c.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved February 16, 1881.

## CHAPTER XXII.

A Supplement to the act entitled "A supplement to the act entitled 'An act fixing the compensation of certain public officers of the state,' " approved March tenth, one thousand eight hundred and seventy-nine, and relating to the compensation of the secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state of this state shall not be entitled to, or take, receive or retain, except for the use of the state, any compensation, pay, fee or emolument whatsoever. other than the annual salary of six thousand dollars fixed and provided for in section three of the act to which this is a supplement, for any act or service performed, or thing done or furnished by him, in any official capacity, or under any law of this state, including the preparation and furnishing of copies of the laws for publication in the several newspapers designated to publish the same and the preparation and furnishing of a copy of the laws to the person authorized to print the pamphlet laws of the state, in each and every year.

Secretary of state not entitled to receive or retain, except for use of the state, any compensation, fee, &c., other than the annual salary.

2. *Any be it enacted*, That said salary of six thousand dollars shall be paid monthly by the treasurer of the state, on the warrant of the comptroller, and for the allowance of four thousand dollars provided for in said section three of the act to which this is a supplement, for clerk hire, the said secretary of state shall, at all times, employ and keep in his office a sufficient number of competent clerical assistants for the efficient and prompt performance of all the business and duties belonging and appertaining to his said office, or required of him in any his official capacity, who shall be paid monthly.

Salary to be paid monthly by the treasurer.

Clerical assistance to be employed, &c.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this shall be a public act and take effect immediately.

Repealer.

Approved February 16, 1881.

## CHAPTER XXIV.

An act to encourage the manufacture of sugar in the state of New Jersey.

Preamble.

WHEREAS, The encouragement of new productive industries in the state of New Jersey is calculated to advance the vital interests of the state, and the cultivation of beets, sorghum, amber or other sugar cane to be manufactured into sugar would be a new source of industry, and would, besides, bring under cultivation large areas of land of the state now unproductive, and be beneficial to the state at large ; therefore,

Treasurer of state to pay bounty for the manufacture of sugar.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, With a view to stimulate the culture of beets, sorghum, amber or other sugar cane, and the manufacture thereof into sugar, that for every ton of two thousand pounds of beets, sorghum amber or other sugar cane raised by any farmer in the state and manufactured into sugar in the state, the sum of one dollar shall be paid as a bounty to the farmer by the treasurer of the state upon the proper vouchers being presented as hereinafter specified.

Amount to be paid for every pound of sugar manufactured in this state.

2. *And be it enacted*, That the sum of one cent per pound upon all merchantable sugar made within the state from beets, sorghum or other sugar cane grown within the state shall be paid by the treasurer of the state to any person or persons who shall establish a plant or sugar manufactory within the state and shall manufacture sugar from beets, sorghum, amber or other sugar cane raised in the state, upon the proper vouchers being presented as hereinafter specified.

Chief of bureau of labor and industries to have general supervision, control and decision of all questions arising under this act.

3. *And be it enacted*, That the "Chief of Bureau of Labor and Industries" shall have the general supervision, control and decision of all questions which may arise pursuant to the provisions of this act, and shall approve and certify the vouchers presented to him, duly receipted by the growers and manufacturers, setting forth the quantities grown or manu-



factured by him or them, whose affidavit of the truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown or manufactured, which vouchers shall be subject to such further scrutiny as the chief of said bureau may find necessary, or as the legislature may hereafter order.

4. *And be it enacted*, That this act shall continue in full force and effect for the term of five years, and shall take effect immediately. Act to continue in force.

Approved February 16, 1881.

## CHAPTER XXV.

An act to authorize railroad corporations to construct, acquire, maintain and operate lines of telegraph for commercial and public uses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every railroad corporation of this state, organized by virtue of any special act of incorporation, or otherwise, and for every railroad corporation organized under the laws of another state, but leasing or operating a railroad or canal in this state, and such corporations are hereby authorized and empowered to erect, establish and maintain a line or lines of telegraph for public use, over, along, and upon the lands and rights of way of such railroad corporations, and over, along, and upon the lands and rights of way of such railroad and canal corporations of which such railroad corporation may be the lessee or operator, and over, along, and upon the lands and rights of way of any other railroad corporation, with the consent, and not otherwise, of such other railroad corporation, and to erect, establish and maintain extensions of such telegraph line or lines in any direction from such primary or main line, for such distance as may be necessary to reach business centres, over, along, and upon the public roads and highways of this

Railroad corporations empowered to construct, maintain and operate lines of telegraph over and upon their lands, &c.

Proviso.

state or otherwise; *provided*, that the use of public streets in any incorporated city of this state, for the erection of such extensions of said telegraph line shall be subject to such reasonable regulations as may be imposed by the corporate authorities of said cities.

Offices to be established and maintained for transmission of messages.

2. *And be it enacted*, That it shall be the duty of every railroad corporation availing itself of this act to establish, maintain and keep open for the reception and transmission of messages by its telegraph lines at least one office in every twenty-five miles traversed by its said lines of telegraph; and it shall be the duty of said railroad corporation to receive and transmit all messages tendered for transmission, upon being paid such charges as, by law, the said corporation may charge for such service.

Authorized to charge and receive and collect for transmission of messages.

Proviso.

3. *And be it enacted*, That any railroad corporation availing itself of this act, shall be and hereby is authorized to charge, receive and to collect before transmission, for each message of not more than ten words, twenty-five cents; and for each additional word, one cent; *provided, however*, that said messages are intended to be transmitted only over the telegraph lines of the company to whom such messages are tendered.

Railroad corporations may make and enter into arrangements with other railroad or telegraph companies, &c.

4. *And be it enacted*, That it shall be lawful for any railroad corporation, availing itself of this act, and it is hereby authorized and empowered to enter into, make and perfect such business arrangements with any other railroad or telegraph corporation of this or of any state, as shall be mutually agreed upon by said corporations, for the reception and transmission of messages over the telegraph lines of said railroad and telegraph corporations; and for all messages to be transmitted over the telegraph lines of other corporations, every railroad corporation availing itself of this act to whom such messages shall be tendered, may charge, receive and collect reasonable and customary rates for such transmission.

Repealer.

5. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved February 17, 1881.

## CHAPTER XXVI.

An Act concerning the sale of turnpike, bridge, plank road, gas, water, or gas and water companies, and providing for the reorganization thereof after such sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the property, rights, powers, immunities, privileges and franchises of any turnpike, bridge, plank road, gas, water, or gas and water corporation created by or under any law of this state, shall be or has been sold and conveyed under and by virtue of any process or decree of any court of this state, or of the circuit court of the United States, the person or persons for or on whose account such property, rights, powers, immunities, privileges and franchises may be purchased shall be and they are hereby constituted a body politic and corporate, and shall be and they are vested with all the right, title, interest, property, possession, claim and demand in law and equity of, in and to such turnpike, bridge, plank road, gas, water, or gas and water company, with its appurtenances and with all the rights, powers, immunities, privileges and franchises of the corporation as whose the same may have been sold, and which may have been granted to or conferred thereupon by any law of this state in force at the time of such sale or conveyance, and the persons for or on whose account any such property, rights, powers, immunities, privileges and franchises of such corporation which may or shall have been purchased under and by virtue of any process or decree of any court of this state or of the circuit court of the United States may organize said new corporation by the election of such officers and directors, issue such certificates of stock, create and issue such preferred stock, and from time to time issue such bonds and secure the same as was authorized by the act or acts under and by which said former corporation was created.

Purchasers constituted a body politic and corporate, and vested with all the rights, titles, &c.

Purchasers may organize new corporation.

Certificate of organization to be filed and recorded.

2. *And be it enacted*, That it shall be the duty of such new corporation within one calendar month after its organization to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the secretary of state, to be filed in his office and there remain of record, and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1881.

## CHAPTER XXVII.

An Act to amend "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Section as amended.

Court shall determine disputed questions of fact, &c., in cases of writs of certiorari.

9. *And be it enacted*, That in all cases of writs of certiorari brought to remove any tax or assessment or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, it shall be the duty of the court to determine disputed questions of fact as well as of law, and to inquire into the fact by deposition taken on notice, or in such other manner as is according to the practice of the court, and thereupon to reverse or affirm in the whole or part such tax, assessment, or other order or proceeding, according to the justice of the case.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved February 17, 1881.

## CHAPTER XXVIII.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to avoid the expenses necessarily attendant upon the vacation of private roads in the manner now authorized by law, whenever any private road, laid out according to law by the surveyors of the highways, over one or more tracts of land lying in the same county, shall have been unworked and unused as such for a period of not less than five years, then and in such case such private road unworked and unused as such for said term, shall be and hereby is declared to be vacated, without the notice and application and other proceedings specified in the act to which this act is a supplement, or in any act supplementary thereto; *provided*, that the owner or owners of the land to or from which said private road leads, and the owner or owners of the lands over which said private road was laid as aforesaid, shall have filed in the office of the clerk of the county wherein said road lies, their assent in writing to said vacation, proven or acknowledged before some officer authorized to take the proof and acknowledgment of deeds in this state, and endorsed by said officer with his certificate thereof. Private roads unused declared vacated upon assent of owners of lands, &c.

2. *And be it enacted*, That it shall be the duty of said clerk, upon receiving said assent in writing, to endorse upon it the date of its receipt in his said office and to file it therein, and also to record the same, with the certificate of the proof or acknowledgment thereon endorsed in the book in which are Assent to be filed and recorded in county clerk's office.

recorded the returns made by the surveyors of the highways of roads laid out or vacated by them, and at the foot of such record to make a note of the time when said assent in writing was received for record in his said office.

Fee for acknowledgment and of county clerk.

3. *And be it enacted*, That the officer taking the proof or acknowledgment aforesaid required by this act, shall be entitled to receive therefor the sum of fifty cents, and said clerk for said services by him rendered shall be entitled to receive the same fees that he may at the time be by law entitled to receive for filing and recording such returns as aforesaid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXIX.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts" approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Unlawful to sell spirituous or malt liquors without first obtaining a license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to sell within the corporate limits of any borough incorporated under the act to which this a supplement, any spirituous or malt liquors in quantities less than five gallons, without having first obtained a licence therefor from the mayor and council of such borough, or a majority thereof in council convened, in whom shall, by this act, be vested the exclusive right and power of granting such restrictions and penalties as they deem necessary in relation thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXX.

An act to amend an act entitled "A supplement to an act entitled 'An act concerning judgments,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April thirteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act concerning judgments, approved March twenty-seventh, one thousand eight hundred and seventy-four,'" be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action brought or to be brought in the supreme court, or court of chancery, or any circuit court, or court of common pleas in this state, wherein judgment shall have been or may hereafter be recovered, or the decree of said court of chancery is or may hereafter be entered in the supreme court of this state against two or more defendants thereto, and the party in whose favor said judgment is rendered or decree entered shall have received satisfaction thereof from any defendant or defendants less than the whole number of defendants, it shall and may be lawful for the person so receiving satisfaction, either by himself or his attorney, to enter an acknowledgment of satisfaction as to said defendant or defendants, from whom satisfaction thereof shall have been received, upon the record of said judgment or decree, or in case the judgment or decree shall not have been made up and recorded, then such satisfaction may be entered in the minutes of the court where such judgment or decree shall have been rendered or entered, and such acknowledgment of satisfaction

Section to be amended recited.

Section as amended.

When a judgment is recovered against two or more defendants, satisfaction may be entered as to defendant or defendants satisfying same.

Not to operate  
as a release or  
discharge of  
other defend-  
ants.

heretofore or hereafter entered shall not operate as a release or discharge of said judgment or decree as to any defendant liable thereon primarily to or equally with the defendant or defendants as to whom such acknowledgment of satisfaction shall have been entered, but may be assigned to such defendant or defendants as have satisfied the same, and he or they shall have full control of said judgment or decree, and may issue execution thereon against such defendant or defendants as to whom there has been no satisfaction entered the same as if there had been no payment whatever, and no satisfaction had been entered; *provided*, that such defendant or defendants shall only recover on such execution the proportional share of said judgment or decree for which the defendants as to whom such satisfaction has not been entered were originally liable; *and provided further*, that previous to issuing said execution the amount for which it shall issue shall have been fixed by the chancellor or a judge of the court out of which said execution shall be issued upon application of the party desiring to issue the same, made upon two days' notice to the person or persons against whom it is intended said execution shall issue.

Proviso.

Proviso.

Approved February 18, 1881.

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## CHAPTER XXXI.

An act concerning past-due assessments in certain towns and townships of this state.

Preamble.

WHEREAS, In certain towns and townships of this state many of the benefit assessments for local improvements heretofore made by commissioners, the township committees, or the commissioner of public roads of said town or township, as the case may be, against the owners of lands and real estate



claimed to have been specially benefitted thereby, were laid upon illegal and erroneous principles, and without regard to the peculiar benefit derived by reason thereof, as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; *and whereas*, collections thereof cannot be enforced by the corporate authorities of such towns and townships, but such assessments are liable to be vacated by the courts; *and whereas*, in many instances the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of township committee, or governing body of any town or township, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council, board of township committee or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing, to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; and further, that such award may, at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such town or township may be situate, and from and after the entry thereof such owner or owners shall be personally liable for the payment of the amount so awarded.

Common council, &c., authorized and empowered to rebate and reduce assessment or assessments.

May agree to arbitrate assessments upon application of owners.

2. *And be it enacted*, That in case such common council, board of township committee or other governing body shall refuse to arbitrate such illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days' notice in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the

Upon refusal of common council to arbitrate, arbitrators may be appointed upon application of owners of land.

Arbitrators to  
make award  
or report in  
writing.

peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice, in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign an award or report in writing, stating therein the amount of such peculiar benefit, the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

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## CHAPTER XXXII.

An act validating sales for taxes, and certificates and declarations issued in pursuance of such sales, and tax titles, in cases where a variance has heretofore occurred between the date of the notice of such sales required by any law of this state, and the actual publication thereof.

Sales for taxes  
and certificates  
and declarations,  
issued in  
pursuance  
thereof, vali-  
dated.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where public notice for a specified time has been or now is required by any law of this state, general or special, before proceedings are had for the public sale of lands for unpaid taxes, and a variance has heretofore occurred between the date of the notice of any such sale and the actual publication thereof, no such sale, or certificate or declaration of any such sale, had, pursuant to such notice, or tax title heretofore or hereafter issued in pursuance

thereof, shall be set aside and holden for naught by reason of such variance; and the title of the purchaser under such sale, or his assignee, and of all persons holding such certificates or declarations of sale for unpaid taxes, shall be as good and valid as if such variance had not occurred; *provided, however,* <sup>Proviso.</sup> that notice shall have been actually given for the specified number of days required by any law, general or special, prior to such proceedings for public sale.

2. *And be it enacted,* That all acts or parts of acts, general <sup>Repealer.</sup> or special, inconsistent with or repugnant to this act, are hereby modified or repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXXIII.

An act to provide for the compromise of past-due taxes in towns and townships in this state.

1. BE IT ENATED *by the Senate and General Assembly of* <sup>Township committee or board</sup> *the State of New Jersey,* That in all incorporated towns, townships and boroughs in the state of New Jersey, it shall be lawful for the township committee thereof, or the board entrusted with the management of the financial affairs therein, or of the collection of taxes, to compromise arrears of taxes now due and payable, whether the land upon which said tax or taxes may have been assessed, shall be sold or not, with the owner or owners thereof; *provided,* that this act shall not <sup>Proviso.</sup> apply to cases where the land has been purchased and the tax title held by persons other than the town.

2. *And be it enacted,* That in case the said township committee or board of finance shall not be able to agree upon a basis of compromise, then it shall be lawful for the township committee or board of finance to submit the said question of compromise of the said tax or taxes to arbitration, the said township committee or board of finance nominating one arbitrator, and the owner or owners nominating a second arbitra- <sup>Failure to agree upon a basis of compromise, arbitrators to be appointed.</sup>

tor ; and in case of the disagreement between the two arbitrators, the two arbitrators aforesaid shall choose a third arbitrator, and the said board of arbitrators so constituted shall have the power to fix and determine the amount to be paid to the said town or township in compromise of said arrears of taxes.

When act not  
to be opera-  
tive.

3. *And be it enacted*, That this act shall not be operative unless the owner or owners of property apply for a reduction of their tax or taxes within six months from the passage of this act.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

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## CHAPTER XXXV.

Supplement to an act entitled "An act to regulate the practice of courts of law."

Judges of  
court of com-  
mon pleas  
may practice  
law in any of  
the courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any judge of the court of common pleas, in any of the counties of this state, who is also an attorney or counselor-at-law of this state may, and he is hereby authorized to practice as such attorney or counselor, in any of the courts of this state, except the courts whereof he is a judge, or courts of inferior jurisdiction thereto, any general or special law, hitherto enacted, to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

## CHAPTER XXXVI.

A Supplement to an act entitled "An act to authorize and regulate the business of banking."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of the act of incorporation of any bank or banking company existing under the laws of this state as requires the president or cashier of such bank or banking company to be an inhabitant of the city or town where such bank or banking company is located or has its place of business, be and the same are hereby repealed; *provided*, that such president or cashier shall be an inhabitant of this state. Provision of act requiring president or cashier to be residents of the city, &c., repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

## CHAPTER XXXVII.

An Act to amend an act entitled "An act to empower bridge companies to mortgage their corporate rights and franchises to secure bonds or other indebtedness, to validate mortgages of corporate rights and franchises already executed, and declaring such mortgages to be a lien upon the corporate rights and franchises not included therein."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the above mentioned act, which reads as follows:

Proviso.

state or otherwise; *provided*, that the use of public streets in any incorporated city of this state, for the erection of such extensions of said telegraph line shall be subject to such reasonable regulations as may be imposed by the corporate authorities of said cities.

Offices to be established and maintained for transmission of messages.

2. *And be it enacted*, That it shall be the duty of every railroad corporation availing itself of this act to establish, maintain and keep open for the reception and transmission of messages by its telegraph lines at least one office in every twenty-five miles traversed by its said lines of telegraph; and it shall be the duty of said railroad corporation to receive and transmit all messages tendered for transmission, upon being paid such charges as, by law, the said corporation may charge for such service.

Authorized to charge and receive and collect for transmission of messages.

Proviso.

3. *And be it enacted*, That any railroad corporation availing itself of this act, shall be and hereby is authorized to charge, receive and to collect before transmission, for each message of not more than ten words, twenty-five cents; and for each additional word, one cent; *provided, however*, that said messages are intended to be transmitted only over the telegraph lines of the company to whom such messages are tendered.

Railroad corporations may make and enter into arrangements with other railroad or telegraph companies, &c.

4. *And be it enacted*, That it shall be lawful for any railroad corporation, availing itself of this act, and it is hereby authorized and empowered to enter into, make and perfect such business arrangements with any other railroad or telegraph corporation of this or of any state, as shall be mutually agreed upon by said corporations, for the reception and transmission of messages over the telegraph lines of said railroad and telegraph corporations; and for all messages to be transmitted over the telegraph lines of other corporations, every railroad corporation availing itself of this act to whom such messages shall be tendered, may charge, receive and collect reasonable and customary rates for such transmission.

Repealer.

5. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved February 17, 1881.

## CHAPTER XXVI.

An Act concerning the sale of turnpike, bridge, plank road, gas, water, or gas and water companies, and providing for the reorganization thereof after such sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the property, rights, powers, immunities, privileges and franchises of any turnpike, bridge, plank road, gas, water, or gas and water corporation created by or under any law of this state, shall be or has been sold and conveyed under and by virtue of any process or decree of any court of this state, or of the circuit court of the United States, the person or persons for or on whose account such property, rights, powers, immunities, privileges and franchises may be purchased shall be and they are hereby constituted a body politic and corporate, and shall be and they are vested with all the right, title, interest, property, possession, claim and demand in law and equity of, in and to such turnpike, bridge, plank road, gas, water, or gas and water company, with its appurtenances and with all the rights, powers, immunities, privileges and franchises of the corporation as whose the same may have been sold, and which may have been granted to or conferred thereupon by any law of this state in force at the time of such sale or conveyance, and the persons for or on whose account any such property, rights, powers, immunities, privileges and franchises of such corporation which may or shall have been purchased under and by virtue of any process or decree of any court of this state or of the circuit court of the United States may organize said new corporation by the election of such officers and directors, issue such certificates of stock, create and issue such preferred stock, and from time to time issue such bonds and secure the same as was authorized by the act or acts under and by which said former corporation was created.

Purchasers constituted a body politic and corporate, and vested with all the rights, titles, &c.

Purchasers may organize new corporation.

Certificate of organization to be filed and recorded.

2. *And be it enacted*, That it shall be the duty of such new corporation within one calendar month after its organization to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the secretary of state, to be filed in his office and there remain of record, and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1881.

## CHAPTER XXVII.

An Act to amend "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Section as amended.

Court shall determine disputed questions of fact, &c., in cases of writs of certiorari.

9. *And be it enacted*, That in all cases of writs of certiorari brought to remove any tax or assessment or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, it shall be the duty of the court to determine disputed questions of fact as well as of law, and to inquire into the fact by deposition taken on notice, or in such other manner as is according to the practice of the court, and thereupon to reverse or affirm in the whole or part such tax, assessment, or other order or proceeding, according to the justice of the case.



2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved February 17, 1881.

## CHAPTER XXVIII.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to avoid the expenses necessarily attendant upon the vacation of private roads in the manner now authorized by law, whenever any private road, laid out according to law by the surveyors of the highways, over one or more tracts of land lying in the same county, shall have been unworked and unused as such for a period of not less than five years, then and in such case such private road unworked and unused as such for said term, shall be and hereby is declared to be vacated, without the notice and application and other proceedings specified in the act to which this act is a supplement, or in any act supplementary thereto; *provided*, that the owner or owners of the land to or from which said private road leads, and the owner or owners of the lands over which said private road was laid as aforesaid, shall have filed in the office of the clerk of the county wherein said road lies, their assent in writing to said vacation, proven or acknowledged before some officer authorized to take the proof and acknowledgment of deeds in this state, and endorsed by said officer with his certificate thereof. Private roads unused declared vacated upon assent of owners of lands, &c.

2. *And be it enacted*, That it shall be the duty of said clerk, upon receiving said assent in writing, to endorse upon it the date of its receipt in his said office and to file it therein, and also to record the same, with the certificate of the proof or acknowledgment thereon endorsed in the book in which are Assent to be filed and recorded in county clerk's office.

recorded the returns made by the surveyors of the highways of roads laid out or vacated by them, and at the foot of such record to make a note of the time when said assent in writing was received for record in his said office.

Fee for acknowledgment and of county clerk.

3. *And be it enacted*, That the officer taking the proof or acknowledgment aforesaid required by this act, shall be entitled to receive therefor the sum of fifty cents, and said clerk for said services by him rendered shall be entitled to receive the same fees that he may at the time be by law entitled to receive for filing and recording such returns as aforesaid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXIX.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts" approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Unlawful to sell spirituous or malt liquors without first obtaining a license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to sell within the corporate limits of any borough incorporated under the act to which this a supplement, any spirituous or malt liquors in quantities less than five gallons, without having first obtained a licence therefor from the mayor and council of such borough, or a majority thereof in council convened, in whom shall, by this act, be vested the exclusive right and power of granting such restrictions and penalties as they deem necessary in relation thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXX.

An act to amend an act entitled "A supplement to an act entitled 'An act concerning judgments,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April thirteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act concerning judgments, approved March twenty-seventh, one thousand eight hundred and seventy-four,'" be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action brought or to be brought in the supreme court, or court of chancery, or any circuit court, or court of common pleas in this state, wherein judgment shall have been or may hereafter be recovered, or the decree of said court of chancery is or may hereafter be entered in the supreme court of this state against two or more defendants thereto, and the party in whose favor said judgment is rendered or decree entered shall have received satisfaction thereof from any defendant or defendants less than the whole number of defendants, it shall and may be lawful for the person so receiving satisfaction, either by himself or his attorney, to enter an acknowledgment of satisfaction as to said defendant or defendants, from whom satisfaction thereof shall have been received, upon the record of said judgment or decree, or in case the judgment or decree shall not have been made up and recorded, then such satisfaction may be entered in the minutes of the court where such judgment or decree shall have been rendered or entered, and such acknowledgment of satisfaction

Section to be amended recited.

Section as amended.

When a judgment is recovered against two or more defendants, satisfaction may be entered as to defendant or defendants satisfying same.

Not to operate  
as a release or  
discharge of  
other defend-  
ants.

heretofore or hereafter entered shall not operate as a release or discharge of said judgment or decree as to any defendant liable thereon primarily to or equally with the defendant or defendants as to whom such acknowledgment of satisfaction shall have been entered, but may be assigned to such defendant or defendants as have satisfied the same, and he or they shall have full control of said judgment or decree, and may issue execution thereon against such defendant or defendants as to whom there has been no satisfaction entered the same as if there had been no payment whatever, and no satisfaction had been entered; *provided*, that such defendant or defendants shall only recover on such execution the proportional share of said judgment or decree for which the defendants as to whom such satisfaction has not been entered were originally liable; *and provided further*, that previous to issuing said execution the amount for which it shall issue shall have been fixed by the chancellor or a judge of the court out of which said execution shall be issued upon application of the party desiring to issue the same, made upon two days' notice to the person or persons against whom it is intended said execution shall issue.

Proviso.

Proviso.

Approved February 18, 1881.

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## CHAPTER XXXI.

An act concerning past-due assessments in certain towns and townships of this state.

Preamble.

WHEREAS, In certain towns and townships of this state many of the benefit assessments for local improvements heretofore made by commissioners, the township committees, or the commissioner of public roads of said town or township, as the case may be, against the owners of lands and real estate

claimed to have been specially benefitted thereby, were laid upon illegal and erroneous principles, and without regard to the peculiar benefit derived by reason thereof, as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; *and whereas*, collections thereof cannot be enforced by the corporate authorities of such towns and townships, but such assessments are liable to be vacated by the courts; *and whereas*, in many instances the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of township committee, or governing body of any town or township, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council, board of township committee or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing, to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; and further, that such award may, at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such town or township may be situate, and from and after the entry thereof such owner or owners shall be personally liable for the payment of the amount so awarded.

Common council, &c., authorized and empowered to rebate and reduce assessment or assessments.

May agree to arbitrate assessments upon application of owners.

2. *And be it enacted*, That in case such common council, board of township committee or other governing body shall refuse to arbitrate such illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days' notice in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the

Upon refusal of common council to arbitrate, arbitrators may be appointed upon application of owners of land.

Arbitrators to  
make award  
or report in  
writing.

peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice, in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign an award or report in writing, stating therein the amount of such peculiar benefit, the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXXII.

An act validating sales for taxes, and certificates and declarations issued in pursuance of such sales, and tax titles, in cases where a variance has heretofore occurred between the date of the notice of such sales required by any law of this state, and the actual publication thereof.

Sales for taxes  
and certificates  
and declarations,  
issued in  
pursuance  
thereof, vali-  
dated.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where public notice for a specified time has been or now is required by any law of this state, general or special, before proceedings are had for the public sale of lands for unpaid taxes, and a variance has heretofore occurred between the date of the notice of any such sale and the actual publication thereof, no such sale, or certificate or declaration of any such sale, had, pursuant to such notice, or tax title heretofore or hereafter issued in pursuance

thereof, shall be set aside and holden for naught by reason of such variance; and the title of the purchaser under such sale, or his assignee, and of all persons holding such certificates or declarations of sale for unpaid taxes, shall be as good and valid as if such variance had not occurred; *provided, however,* <sup>Proviso.</sup> that notice shall have been actually given for the specified number of days required by any law, general or special, prior to such proceedings for public sale.

2. *And be it enacted,* That all acts or parts of acts, general <sup>Repealer.</sup> or special, inconsistent with or repugnant to this act, are hereby modified or repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

## CHAPTER XXXIII.

An act to provide for the compromise of past-due taxes in towns and townships in this state.

1. BE IT ENATED *by the Senate and General Assembly of* <sup>Township committee or board</sup> *the State of New Jersey,* That in all incorporated towns, townships and boroughs in the state of New Jersey, it shall be lawful for the township committee thereof, or the board entrusted with the management of the financial affairs therein, or of the collection of taxes, to compromise arrears of taxes now due and payable, whether the land upon which said tax or taxes may have been assessed, shall be sold or not, with the owner or owners thereof; *provided,* that this act shall not <sup>Proviso.</sup> apply to cases where the land has been purchased and the tax title held by persons other than the town.

2. *And be it enacted,* That in case the said township committee or board of finance shall not be able to agree upon a basis of compromise, then it shall be lawful for the township committee or board of finance to submit the said question of compromise of the said tax or taxes to arbitration, the said township committee or board of finance nominating one arbitrator, and the owner or owners nominating a second arbitra- <sup>Failure to agree upon a basis of compromise, arbitrators to be appointed.</sup>

tor ; and in case of the disagreement between the two arbitrators, the two arbitrators aforesaid shall choose a third arbitrator, and the said board of arbitrators so constituted shall have the power to fix and determine the amount to be paid to the said town or township in compromise of said arrears of taxes.

When act not  
to be opera-  
tive.

3. *And be it enacted*, That this act shall not be operative unless the owner or owners of property apply for a reduction of their tax or taxes within six months from the passage of this act.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

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## CHAPTER XXXV.

Supplement to an act entitled "An act to regulate the practice of courts of law."

Judges of  
court of com-  
mon pleas  
may practice  
law in any of  
the courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any judge of the court of common pleas, in any of the counties of this state, who is also an attorney or counselor-at-law of this state may, and he is hereby authorized to practice as such attorney or counselor, in any of the courts of this state, except the courts whereof he is a judge, or courts of inferior jurisdiction thereto, any general or special law, hitherto enacted, to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.



## CHAPTER XXXVI.

A Supplement to an act entitled "An act to authorize and regulate the business of banking."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of the act of incorporation of any bank or banking company existing under the laws of this state as requires the president or cashier of such bank or banking company to be an inhabitant of the city or town where such bank or banking company is located or has its place of business, be and the same are hereby repealed; *provided*, that such president or cashier shall be an inhabitant of this state. Provision of act requiring president or cashier to be residents of the city, &c., repealed. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

## CHAPTER XXXVII.

An Act to amend an act entitled "An act to empower bridge companies to mortgage their corporate rights and franchises to secure bonds or other indebtedness, to validate mortgages of corporate rights and franchises already executed, and declaring such mortgages to be a lien upon the corporate rights and franchises not included therein."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the above mentioned act, which reads as follows:

Section to be  
amended re-  
cited.

“1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bridge company incorporated by the laws of this state, and doing business, operating works or owning property in this state, or partly in this state and partly in another state, and whose charter, or the supplements thereto do not confer an express power to mortgage or convey in trust their corporate rights and franchises to secure their bonds, either issued or to be issued, be and is hereby authorized and empowered to execute a mortgage or mortgages, of and upon their corporate rights and franchises, to secure the payment of any and all bond or bonds, or other indebtedness, issued or incurred, or to be issued and incurred by such corporation,” be and the same is hereby amended so as to read as follows:

Section as  
amended.

Bridge compa-  
nies authorized  
to mortgage  
their corporate  
rights and is-  
sue bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bridge company incorporated by the laws of this state, and doing business, operating works or owning property in this state, or partly in this state and partly in another state, and whose charter, or the supplements thereto, do not confer an express power to mortgage or convey in trust their corporate rights and franchises to secure their bonds, either issued or to be issued, be and is hereby authorized and empowered to execute a mortgage or mortgages of and upon their corporate property, rights and franchises, to secure the payment of any and all bond or bonds, or other indebtedness, issued or incurred, or to be issued and incurred by such corporation, notwithstanding the amount of such indebtedness may exceed the amount to which said corporation may be authorized by its charter to hold real and personal property ; *provided*, such excess shall not be more than fifty thousand dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

## CHAPTER XXXVIII.

An Act to repeal "An act concerning the assessment and collection of taxes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act concerning the assessment and collection of taxes," approved March tenth, one thousand eight hundred and eighty, be and the same hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

## CHAPTER XXXIX.

An Act to defray the incidental expenses of the special joint committee appointed by virtue of assembly joint resolution, number eight, of one thousand eight hundred and eighty, to examine and consider the reports of the special tax commission, and the commission to draft a system of general laws for the government of municipalities of this state, and the bills accompanying the same, and report thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the persons hereinafter named, the following amounts, viz. : Treasurer authorized to pay expenses of special tax commission.

Item No. 1. To William J. Bruce, for services

and expenses as clerk to said joint committee, five hundred dollars.

\$500 00

Item No. 2. To the chairman of said joint committee, to defray the expenses of the members of said committee, the sum of one thousand five hundred dollars,

1,500 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

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## CHAPTER XLI.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Debts and mortgages due boards of freeholders loaned from the surplus revenue to be deducted from the taxable property of debtor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all debts due to the boards of chosen freeholders of the respective counties of this state, for moneys heretofore loaned or hereafter to be loaned by them from the surplus revenue of the general government, heretofore apportioned among said counties, and secured by mortgages to the said respective boards of chosen freeholders, shall be deducted from the taxable property of the debtor claiming such deduction.

Approved February 28, 1881.

## CHAPTER XLII.

An Act to ascertain the number of justices of the peace to be elected according to the late census.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to ascertain the number of justices of the peace which each township or ward may elect at the annual meeting next ensuing the passage of this act, the abstract of the late census taken under the authority of the United States, as published in the "Manual of the one hundred and fifth session of the legislature of New Jersey," shall be conclusive evidence of the number of inhabitants in each township or ward.

Abstract of  
United States  
census pub-  
lished in the  
"Manual," to  
be evidence of  
number of in-  
habitants.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1881.

## CHAPTER XLIII.

An Act relating to officers in cities who now hold or hereafter shall hold their offices for a fixed period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any officer of any city in this state who now holds or hereafter shall hold any office therein, under any law of this state, which fixes the term thereof for a precise and a determined period, shall continue to hold such office and to exercise the duties of the same, notwithstanding the time limited for its continuance shall have expired, until his successor has been appointed and qualified.

Officers of cities  
to hold office  
until their suc-  
cessors are  
elected and  
qualified.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved February 28, 1881.

## CHAPTER XLIV.

An act authorizing the United States to change and improve the channel of South river and canal.

United States authorized to change and improve channel of river and canal.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey consents and authorizes the United States to change the channel and improve the navigation of South river and canal, in the county of Middlesex, according to the plans and report of Brevet Major General John Newton, transmitted by the secretary of war to the forty-sixth congress of the United States.

Governor authorized to appoint a commission.

2. *And be it enacted*, That the governor of this state be and hereby is authorized and empowered to appoint a commission consisting of five members, residents of Middlesex county.

Commission to mark out, appraise and condemn lands necessary, &c.

3. *And be it enacted*, That in case it may become necessary to cross or cut through any land or lands which the owner or owners do not donate, then the said commission may mark out the property required by the plans above mentioned, appraise and condemn the same for the use of the United States government and the improvement of navigation; the valuation of any land or lands so appraised by said commission, to be paid to the owner or owners of said property.

Valuation of lands appraised to be paid owner or owners.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1881.

## CHAPTER XLV.

A Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in cases requiring a list of the jury to be served on the defendant, the names of the jurors so served shall be placed in and drawn from the jury box in the ordinary way. Names of jurors, how drawn.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1881.

## CHAPTER XLVI.

An act to amend "An act to prevent trespasses on railroad cars or trains," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory, shall be and is hereby amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person, not being a passenger or employee, shall be found trespassing upon any railroad car or train of any railroad in this state, by jumping on or off any car or train, on its arrival, stay or departure at or from any station or depot of such railroad, or on the passage Section amended.  
Penalty for any person trespassing on railroad cars, trains, &c.

## CHAPTER XLIX.

A Supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty.

Section to be amended re-cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so that the same shall read and be:

Section as amended.

Penalty for practicing medicine or surgery without conforming to requirements of act.

Proviso.

2. *And be it enacted*, That any person who shall practice medicine or surgery without conforming to the requirements of the first section of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of twenty-five dollars or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court, for each prescription made, operation performed, or professional service rendered; *provided*, that any person who shall have had twenty years' experience in the practice of medicine or surgery in one locality shall be exempt from the provisions of this act.

Approved March 2, 1881.



## CHAPTER L.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act to which this is a supplement be amended so that the same shall read as follows: Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons not less than ten in number, associated for benevolent and charitable purposes, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot or otherwise, according to the constitution or by-laws of such association, to appoint one or as many officers of such association as shall be deemed necessary, which said association and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation. Associations authorized to form a body politic and corporate, &c.

2. *And be it enacted*, That the ninth section of the act to which this is a supplement be amended so that the same shall read as follows: Section to be amended.

9. *And be it enacted*, That no restrictions as to the number of members, nor as to the amount of annual income, shall ap- Section as amended.

Restrictions  
not to apply to  
certain organi-  
zations or asso-  
ciations.

ply to any benevolent or fraternal organization or association, duly organized or existing, or which may hereafter be duly organized in this state, nor to any corporations formed for the purpose of establishing a college or home as above provided.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LI.

An act to amend "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Laws, &c., to  
be published in  
newspapers in  
townships con-  
taining over  
six thousand  
inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties where there are townships containing six thousand inhabitants or more, the public laws, together with such special, private and local laws as concern such counties respectively shall be published in one newspaper in every such township containing six thousand inhabitants or more; to be designated in the manner and under the regulations and restrictions now prescribed, and at the compensation fixed by statute for such publications.

Laws of the  
present session  
to be pub-  
lished.

2. *And be it enacted*, That the newspapers directed to be designated by this act shall be in addition to the number heretofore authorized to publish the laws; that they shall be entitled to publish the laws enacted at the present session of the legislature, and that this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions in force relative to the sales of lands and the advertisement and adjournment of the same, have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective and uncertain ;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, but that any purchaser of lands at such sale who shall have paid the price thereof and received a deed therefor, shall have as good and complete a title thereto as if the advertisement of such sale had in all particulars conformed to the provisions of the act to which this is a supplement ; *provided*, that the advertisement of such sale shall have been duly published in one newspaper printed and published at the county seat of said county ; *and provided further*, that nothing in this act shall be held to affect any litigation now pending.

Preamble.

Sales of land heretofore made not in. validated by omission to advertise, &amp;c.

Proviso.

Proviso.

2. *And be it enacted*, That no sale of lands heretofore made by any executors or administrators shall be invalidated by reason of such sale having been adjourned for a time or times exceeding two months in the whole, or by reason of the omission to advertise adjournments, but that the purchaser or purchasers of any lands at such sale who shall have paid the price thereof and received a deed therefor—such sale having been duly reported to and confirmed by the proper court—shall have as good and complete a title thereto as if said sale had been

Sales of land heretofore made by executors, &amp;c., not invalidated, and title declared valid.

adjourned from time to time, not exceeding two months in the whole, and the adjournments thereof duly published.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

### CHAPTER LIII.

A Further Supplement to the act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Baptist societies may become incorporated by certificate.

I. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any society now existing in this state, composed of delegates from Baptist churches in this state, and organized for the purpose of assisting indigent young men in prosecuting their studies, preparatory to entering upon the work of gospel ministry, shall desire to become an incorporation under the laws of this state, and shall, by a majority vote of the delegates assembled at any regular meeting of such society, resolve to become thus incorporated, such society shall thereupon proceed to adopt a corporate name, shall elect a president, one or more vice presidents, a secretary and a treasurer, and a board of managers of not less than ten nor more than thirty-five persons, and a certificate of such vote shall be prepared containing in addition thereto the following particulars:

What certificate shall set forth.

I. The name of such corporation.

II. The name and residence of each member of the board of managers of said corporation.

III. The name and residence of each officer of the corporation.

IV. The general purpose of said corporation.

Which certificate shall be signed by the aforesaid officers and managers, and the execution thereof shall be acknowledged before some person or persons authorized by the laws of the state of New Jersey to take the acknowledgments of deeds, and after being so acknowledged shall be filed and recorded in the office of the secretary of state, for which such secretary shall be entitled to charge the sum of one dollar.

Certificate to be filed and recorded.

2. *And be it enacted*, That upon the filing of such certificate, the said society shall be and is hereby constituted a body corporate, with powers to sue and be sued, to adopt and use a common seal, to make by-laws for its government and regulation, and shall have all the rights and powers and be subject to all the liabilities of the corporations created by the act to which this is a supplement, so far as the same do not contravene the provisions of this act.

Constituted a body corporate with powers.

3. *And be it enacted*, That the executive and routine business of said corporation shall be managed by a board of managers consisting of not less than ten nor more than thirty-five persons, of which the president, vice president or vice presidents, secretary and treasurer shall be ex-officio members, the persons signing the above-mentioned certificate shall be the officers and managers for the first year, and shall hold office until their successors are chosen; at each annual meeting thereafter of said society there shall be chosen, in such manner as the society may determine, a president, one or more vice presidents, a secretary and treasurer, and members of the board of managers, who shall hold their office for one year and until their successors are elected; any vacancy in the board of managers occasioned by death, resignation, or removal from the state, may be filled by a majority of the remaining members of the board.

Corporation to be managed by a board of managers.

Annual election of officers, &c.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LIV.

Supplement to "An act to legalize certain newspapers, the issues of which have been temporarily suspended," approved March third, one thousand eight hundred and eighty.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to legalize certain newspapers, the issues of which have been temporarily suspended," be amended so as to read as follows :

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such temporary suspension shall not be regarded as an invalidation of the legal age of said newspapers, but that upon their resumption of publication within twelve weeks of their suspension as aforesaid, such papers shall be considered as to age as dating from their first publication, and they shall be as fully entitled to the state and other legal printing the same as though such suspension had never occurred.

Temporary suspension not invalidating the legal age of newspapers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LV.

An act to authorize the erection of engine-houses in cities of this state.

Mayor and common council authorized to erect engine-houses, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of any city in this state are hereby authorized and empowered

erect one or more buildings suitable for the use of the fire department of said city, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of such land and of the erection of said building or buildings in such city shall not exceed fifteen thousand dollars.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, each mayor and common council shall have power to issue bonds of such city, to an amount not exceeding fifteen thousand dollars, having not more than twenty years to run, and bearing interest at a rate not exceeding six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

Empowered to issue bonds and to provide for their redemption.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LVI.

A Supplement to "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no fees to which any judge of the court of common please, court of general quarter sessions of the peace or orphans' court in any county in this State shall be entitled for services performed in court shall be paid by the parties liable for the same to any such judge, but shall be paid to the clerk of the court, under such rules as the court may prescribe, and shall be paid over by him to the judge or judges entitled to the same; and if any of the judges of said court shall be in receipt of a fixed salary allowed by law in lieu of all fees, then and in that case it shall be the duty of the clerk to pay over to the collector of the county, at least once in each quarter, for the use of the county, all fees received by him during the preceding quarter, for services performed

Fees of judges, to whom paid.

Clerk to pay over all fees to collector of county.

by any such salaried judge or judges; for collecting the same the said clerk shall be entitled to five per centum of all fees collected by him.

Clerk of county  
to make quar-  
terly reports of  
fees received.

2. *And be it enacted*, That it shall be the duty of the clerk of each county to report on the first day of July next and quarterly thereafter, under oath, to the collector of the county, whether or not he has received during the preceding quarter any fees for licenses of any kind, granted by the court of which he is clerk, and, if so, from whom, the amount in each case, and the disposition made of the same; and when not otherwise provided by law it shall be the duty of such clerk to pay over to the collector of the county, at the time of making such quarterly report, the amount of such license fees so received by him during the preceding quarter; and the said collector shall forthwith report to the board of chosen freeholders of the county the amount of fees so received by him from such county clerk.

Penalty to  
clerk failing to  
make report  
and payment  
of fees col-  
lected.

3. *And be it enacted*, That any clerk failing to make the report and payment required by the second section of this act at the time named, shall be liable to a penalty of one hundred dollars for every such failure, which penalty shall be forthwith sued for by the collector of the county in any court of competent jurisdiction, in an action of debt, for the use of the county.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

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## CHAPTER LVII.

An act further to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.



1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and fifty-ninth section of the act of which this is amendatory, and which as amended by chapter thirty-eight of the laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended to read and be in the words following, to wit :

159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery, which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney, and either of the parties may, in person or by his attorney, be present and examine and cross-examine the witnesses testifying at such examinations ; and the examination so taken shall be of the like force and effect as if taken in the orphans' court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions ; but in any particular cause it shall be lawful for the president judge of said court to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined in the particular cause, for the use of the court and the parties in the cause, and to fix, allow and tax the fees and compensation of such reporter for taking down and writing out such evidence, and to apportion the same between the parties in the same manner as the fees of examiners are apportioned ; and each party shall forthwith pay the part so apportioned to him, which shall be a part of the taxable costs in the cause.

Section to be amended.

Section as amended.

Testimony may be taken before surrogate or master.

President judge may employ a stenographic reporter to take down evidence and to fix compensation, &c., and apportion the same between parties, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LVIII.

Supplement to an act entitled "An act concerning savings banks" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six.

Trustees or managers of savings banks authorized to pay president compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees, directors or managers of any savings bank or savings institution in this state, whether such savings bank or savings institution shall have been organized under a special act, or under the act to which this is a supplement, to pay to the president of any such savings bank or savings institution, who shall devote his time and labor to the management and care thereof, such reasonable compensation for his services as president, as shall be fixed by the said trustees, managers or directors.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LIX.

An act relative to fees paid for copies of records used as evidence.

Fees and charges for official copies to be allowed and taxed as taxable costs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees and charges paid for official copies and abstracts from the records and files in any public office in this state, used as evidence in actions brought

or to be brought in any of the courts of this state, shall be allowed and taxed as part of the taxable costs therein ; *pro-* Proviso.  
*vided*, the amount of such fees and charges be endorsed on such copies by the officer making the same.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LX.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act relating to municipal or other authorities owning or managing works for the supplying of water to the public,'" which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the supplement above mentioned, be amended so as to read as follows : Section to be amended.

3. *And be it enacted*, That for the purpose of raising such gross sum which shall be designated as a "district, fire and water tax," the assessors and boards of assessors shall fix and review the valuations of all lands within said district in the same manner as they now fix the valuations for tax purposes of all land in said city ; and all proceedings now required or authorized to be taken for the assessment, collection and enforcement of the collection of taxes shall be equally applicable to the assessment, collection and enforcement of the collection of the district, fire and water tax. Assessors and boards to fix and review the valuation of land, &c. Proceedings made applicable for assessment and collection of taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

## CHAPTER LXI.

An Act respecting the time of payment of the annual salaries of the law or president judges of courts of common pleas.

Annual salaries of president judges to be paid in monthly installments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for convenience and uniformity, in all counties in this state in which the law or president judges of the courts of common pleas are now compensated by annual salary, said salaries shall be paid in monthly installments.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved March 2, 1881.

## CHAPTER LXII.

An Act in relation to claims against the inhabitants of townships.

Inhabitants may, at town meeting, vote to raise by taxation sum to pay claim, or order claim paid out of moneys in hands of collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which any claim shall be made by any person or persons against the inhabitants of any township, in their corporate capacity, for money heretofore borrowed by the township committee of such township for township uses, and said inhabitants, in their corporate capacity, may have a legal defence to such claim; they may at any subsequent annual town meeting vote to raise, by taxation, in the manner that other taxes are raised, a sufficient sum to pay the amount of any such claim, or in the same

manner at any such meeting order the same paid out of any moneys of such township in the hands of the collector thereof not otherwise appropriated.

2. *And be it enacted*, That when such sum shall be so voted and raised, or ordered paid, it shall be used to pay the claim for which it was raised and for no other purpose.

When voted and raised or ordered paid, not to be used for any other purpose.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXIII.

An Act providing for the sale of certain lands in cities, subject to dedication for public uses, and vesting title thereto in the purchaser.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where land has been dedicated to public uses in any city in this state, other than for streets or parks, and is now in the possession of and being used by the city authorities of such city, that the city board having control of and using such property as aforesaid, may, without the action of any other board, at any time, when in its judgment the location where such property is situated, has or shall become unfit for the purposes for which the same is being used, sell said property at public auction, upon two weeks' advertisement, to the highest bidder therefor, and the mayor shall execute upon behalf of the city, under its corporate seal, attested by the city clerk, a deed conveying said property to the purchaser, upon the purchase money being first paid to the city treasurer; the purchase money shall be held by the city treasurer and his successors in office to be used exclusively for the purchase of other real estate, and the erection thereon of buildings and furnishing the same for the same public uses as the property sold; the expenditure of money therefor to be by said city board making said sale.

City board may sell certain lands dedicated to public use at public auction.

Mayor to execute conveyance, &c.

Board may  
make contract  
with owner of  
fee of land.

Title of land to  
vest in pur-  
chaser.

2. *And be it enacted*, That the said city board may, in any case provided for in section one, when they deem it necessary, make a contract, upon such terms as said board shall deem just, with the owner or owners of the fee of the land desired to be sold, by which said owner or owners will execute a conveyance of said land to the city, or to the purchaser of said land, as may be deemed best, and carry out the terms thereof: and upon such sale and such action of the owner or owners, the title of the land in fee simple so sold, shall vest in the purchaser his heirs and assigns forever, free from any and all dedications for public uses of every kind whatever.

3. *And be it enacted*, That this act is a general public act and shall take effect immediately.

Approved March 3, 1851.

## CHAPTER LXIV.

An act to provide for the payment of the difference between old and new assessments for improvements in cities.

Cities author-  
ized to borrow  
money to pay  
difference be-  
tween any as-  
sessment and  
re-assessment  
for improve-  
ments

May issue reg-  
istered or cou-  
pon bonds.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, from time to time, to borrow money for the use of said city, in such sums as it may think best, to pay the difference between any assessment, on any real estate for any improvement in said city, and any re-assessment thereon for the same improvement when the original assessment has been vacated or set aside by a court or any city board, together with any interest or damages due or to fall due thereon; that the city, in order to procure said money, may issue bonds, payable as to principal and interest at such times and at such place and in such form as it shall deem best, and the same shall bear interest not exceeding six per centum per annum, and may be sold at not less than par; the bonds shall be signed by the mayor, sealed with the city seal and attested by the city clerk, and may be registered or coupon bonds or both, and may be

convertible from one form to the other, from time to time, and in converting coupon bonds to registered bonds, one registered bond may be issued for several coupon bonds or several coupon bonds may be issued for one registered bond, as may be determined from time to time; *provided*, the issue of bonds under this act does not exceed in any city of this state the limit now provided by law. Proviso.

2. *And be it enacted*, That the board having the control of the finance of the city, shall have full power to act for the city under section one of this act, and to do all things therein authorized to be done, except the signing, sealing and attesting of the bonds therein mentioned, and shall from time to time place or caused to be placed in the tax levy an amount sufficient to pay the interest on said bonds, and such percentage of the principal thereof as it may deem proper. Board having control of finances to have full power.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXV.

An act authorizing the cities of this state to make limited appropriations for the publication of the minutes of the proceedings of their municipal boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with a view to the furnishing of precise and accurate public information of the proceedings of the municipal boards of the cities in this state, it shall be lawful for the board of aldermen, common council, board of finance or other governing body of any city where provision is not now made for reporting or publishing the official minutes, to appropriate annually, a sum not exceeding five hundred dollars, for the reporting and publishing during such year, of the proceedings of its different boards in the several newspapers published and circulated in such city which shall be de- Cities authorized to make appropriations for publication of minutes of their municipal boards.

signated for that purpose ; said appropriation, if made, to be distributed in such manner as the governing body of said city shall determine.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXVI.

Supplement to the act entitled "An act relative to the publication of the laws of this state in the newspapers" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six, be amended to read as follows :

Laws of each session of legislature to be published in newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the public laws of this state passed at each session of the legislature shall be published in the newspapers in the several counties, which papers shall be selected and designated as hereinafter provided, and the number of papers authorized to make such publication in each county, shall be in proportion to the representation of the county in the house of assembly ; *provided*, that there shall not be more than four nor less than two papers so authorized in any one county, excepting in such counties having a population in excess of sixty thousand, where the number may be increased to six, and in the counties of Essex, Atlantic, Union, Mercer, Hudson and Passaic, in each of which counties there shall be one additional paper so authorized published in the German language.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.



## CHAPTER LXVII.

**A** Further Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any indictment, allegation or accusation of any person charged with crime, the wife or husband of the person indicted or accused shall be admitted to testify as a witness in behalf of such person upon such trial, if he or she shall be offered and produced as a witness therein by the person so indicted or accused. Husband or wife of person indicted to be admitted to testify as witness.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXVIII.

An act to authorize incorporated towns to build and furnish school-houses in special cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an incorporated town has previously, by provision of its charter, been constituted one sole and separate school district, and has subsequently been divided into several school districts, it shall be lawful for such town at any annual town meeting, or at a special town meeting called for that purpose, legal notice of the same having been given, to provide for purchasing a lot, building a school-house thereon, and furnishing the same for any such district, or to build and furnish a school-house on a Incorporated towns authorized to build and furnish school-house and to raise the money by taxation.

lot already purchased, and to raise money therefor by taxation upon its town at large, in the same manner as it might have been done if such division into districts had not been made.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXIX.

A Supplement to "An act to amend and consolidate the several acts relating to game and game fish," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, and which section reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall kill or pursue, in any part of this state, any buck, doe, fawn or wild deer, save only from the fifteenth day of October to the first day of December, in any year, and any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each buck or fawn so killed or pursued, and may be proceeded against in any county of the state where he may be arrested having the same in his or her possession; *provided, however*, that any person may sell or have in his or her possession the buck, doe or fawn aforesaid between the fifteenth day of October in any year, and the first day of December next following, without liability to the penalty herein imposed," be and the same is hereby amended to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of* Section amend-  
ed.  
*the State of New Jersey*, That if any person or persons shall  
kill, destroy, hunt or take any doe, buck, fawn or any sort of  
deer whatsoever, for and during the term of three years from When deer  
shall not be  
killed  
the date of the passage of this act and after the expiration of  
the said term of three years and at any other time or season  
except only between the last day of October and the first day  
of December, yearly and every year, he, she or they so offend- Penalty for  
violating the  
provisions of  
this act.  
ing against the provisions of this act, shall forfeit and pay the  
sum of fifty dollars for each and every offence, to be sued for  
and recovered with costs of suit, in an action of debt, by any  
person, before any justice of the peace of the county wherein  
such offence shall have been committed; one-half the forfeit  
money shall be for the benefit of the person prosecuting for  
the same, and the remainder paid to the collector of the town-  
ship wherein the offence shall have been committed, for the  
use of the township; and in case the defendant in any such  
suit shall neglect or refuse to pay the amount recovered against  
him, it shall be lawful for the justice before whom judgment  
has been recovered, to issue his process of execution against  
the body of the defendant, and cause him to be committed to  
the jail of the county, for any space of time until the judg-  
ment and costs are paid, not exceeding sixty days from the  
date of issuing the same.

2. *And be it enacted*, That this act shall take effect imme-  
diately.

Approved March 3, 1881.

## CHAPTER LXX.

Supplement to an act entitled "An act concerning taxes"  
[Revision], approved April fourteenth, one thousand eight  
hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* Fee for war-  
rants of justices  
of peace issued  
for the collec-  
tion of taxes  
*the State of New Jersey*, That hereafter in all incorporated  
cities in this state for every alias and pluries warrant issued

for the collection of taxes, the fee allowed to the justice of the peace who shall issue the same shall be five mills for every delinquent's name therein contained, where the number shall exceed two hundred.

Repealer.

2. *And be it enacted*, That all acts and parts of acts general, local and special, inconsistent with this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXXI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the better regulation of proceedings upon writs of mandamus,' passed December second, one thousand seven hundred and ninety-four," which said supplement was approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled 'An act for the better regulation of proceedings upon writs of mandamus,' passed December second, one thousand seven hundred and ninety-four," which said supplement was approved March twenty-ninth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

When writ of mandamus has been denied by supreme court, proceedings may be brought in court of errors on writ of error.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where an application has heretofore been made, or shall hereafter be made, for a writ of alternative or peremptory mandamus, or where a rule to show cause why such writ should not be issued has heretofore been obtained or shall hereafter be obtained, the said writ being desired for the purpose of compelling any officer or officers of this state, or of any county, township, or school district in this state, or the mayor and common council, or the mayor and board of aldermen, or any officer or officers of any city or other municipal corporation of this state, to perform a duty

or make a payment required by law, and such writ has been or shall be denied, or such rule has been or shall be discharged, by the supreme court of judicature of this state, and such denial of said writ, or such discharge of said rule is the legal consequence necessarily resulting from a determination by said court of the question of the constitutionality or unconstitutionality of any statute of this state, that being the main question brought before the court for adjudication and the principal ground of the litigation between the parties, it shall be lawful for the relator or relators, at any time within one year next after the date of entry of the rule of said court denying said writ, or discharging said rule to show cause, to sue out and prosecute a writ of error to remove the proceedings into the court of errors and appeals, which court shall thereupon review the said proceedings and the action of the supreme court thereon, and make determination in reference thereto.

2. *And be it enacted*, That the second section of the said supplementary act be and the same is hereby amended so as to read as follows:

2. *And be it enacted*, That the said writ of error shall be made returnable forthwith, and upon return thereof said court of errors and appeals shall require an immediate and speedy assignment of errors and joinder in error, and upon such short notice as may by the court last aforesaid be directed, shall hear and determine the cause during the term to or in which said writ of error is returnable, if possible so to do without necessitating the postponement of other business of said term to a subsequent term; and on reversal the supreme court shall take action accordingly.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

Section to be amended

Writ of error to be made returnable forthwith, &c.

## CHAPTER LXXII.

A supplement to the act entitled "An act to secure operatives in manufactories, and other employees, their wages," approved March thirteenth, one thousand eight hundred and fifty-six.

Upon petition of workmen or employees that wages due them are unpaid, chancellor or judge may refer the matter to a master, &c.

May direct receiver to make sale of personal property to pay employees or workmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any suits at law or in equity pending in any of the courts of this state, it shall become necessary or advisable for such court to appoint a receiver to take the charge and possession of the goods, chattels and personal property of any manufacturer, distiller, brewer, or producer of any manufactured articles in whatsoever stage the same may then be, and then being due and unpaid to the mechanics, workmen and laborers employed by such manufacturer, and other persons sole or corporate, producing such manufactured articles, wages for the labor and services by such mechanics and workmen bestowed upon the goods, chattels and personal property thus then taken by such receiver, it shall be the duty of the chancellor or of the judge appointing such receiver, on being petitioned by such workmen and employees for the payment of such unpaid wages due to them, setting forth the nature and kind of services performed, and of the amount due to such petitioners, to make an order directing a reference to a master in chancery to ascertain and report upon the correctness of the allegations in such petition contained, and of the amount of wages then due and unpaid to such petitioner and petitioners, and thereupon further direct such receiver forthwith to make sale of so much of such personal property as may be necessary to pay such wages to such employees and workmen in preference to any other creditor, and without delay.

2. *And be it enacted*, That the provision of this act shall extend to all cases, if any, at the passage of this act, pending in any court of this state, when distribution of the assets thus taken and held by any such receiver has not been made. Provisions of act to extend to all cases pending.

3. *And be it enacted*, That this act take effect immediately.

Approved March 3, 1881.

### CHAPTER LXXIII.

A Supplement to an act entitled "An act relating to sales of land, under a public statute, or by virtue of any judicial proceeding, approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any purchaser of real estate at any commissioner's, executor's, administrator's or guardian's sale shall, after such sale has been made, and the conditions thereof subscribed and agreed to, and the same has been confirmed by the court, or after such sale has been confirmed, and before the deed for such sale of real estate has been delivered to the purchaser, refuse or neglect to comply with any of the conditions of such sale, including the receiving of the deed, and the payment of all the consideration money, it shall be lawful for any such commissioners, executors, administrators or guardians, to apply to the court making the order of sale, or making the order of confirmation of sale, as the case may be, by petition, and the said court is hereby authorized to set aside such confirmation of sale or sales, and further order such commissioners, executors, administrators or guardians, as the case may be, to make resale of the said real estate ; *provided*, When purchasers refusing to comply with conditions of sale, court authorized to set aside confirmation and order a resale. Proviso. *nevertheless*, that such order or orders of resale shall not in any way relieve the first purchaser from liability to make good and pay any deficiency or reduction of price, and interest, cost and expenses incurred in or resulting from making a resale of such real estate under this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXXIV.

An act regulating the purchase of supplies for the New Jersey state prison.

Supplies for  
state prison to  
be purchased  
by contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all supplies of subsistence, clothing, laundry, bedding, fuel and illuminating material required for use in the state prison shall be purchased by contract as hereinafter regulated and provided.

Supervisor to  
establish stand-  
ard of qualities  
of articles  
needed, &c.

2. *And be it enacted*, That it shall be the duty of the supervisor under the direction of the board of inspectors to establish standards of qualities of the different articles needed for the subsistence, clothing and proper care of the prisoners, and that a full description of the same, together with samples, so far as practicable, of the grades required, shall be kept by the supervisor and be accessible at all times during business hours to examination by citizens.

Supervisor to  
semi-annually  
advertise for  
proposals for  
furnishing sup-  
plies.

3. *And be it enacted*, That the supervisor shall semi-annually advertise in two daily newspapers published in the county wherein the prison is located, for ten days, inviting proposals for furnishing all articles of supplies embraced under the different headings in section one of this act, and which articles shall conform to the standard adopted by the board aforesaid, and to be seen at the office of the supervisor; said proposal to be for furnishing the estimated requirements of each article for the term of six months, the delivery of said articles to be made from time to time on the order of the supervisor during the existence of the contract; said advertisement shall state as nearly as practicable the weight, measure, quantity or number needed of each article named, which estimate shall be based on the actual consumption of the corresponding term of six months next preceding.



4. *And be it enacted*, That separate proposals and separate contracts shall be made for the following divisions:

Separate proposals and contracts shall be made.

First. For sugar, molasses, syrup, coffee, tea, rice, hominy, beans, salt fish and soap ;

For sugar, &c.

Second. Potatoes, turnips, carrots, or other vegetables not enumerated in other divisions ;

For vegetables.

Third. Fresh and salted meats ;

For meats.

Fourth. Fresh fish ;

For fish.

Fifth. Flour and meal ;

For flour.

Sixth. Illuminating material ;

For illuminating material.

Seventh. Coal and wood ;

For coal and wood.

Eighth. Clothing and other supplies, not here enumerated shall be included under their appropriate heads.

For clothing, &c.

5. *And be it enacted*, That the several bids made under the provisions of this act shall be opened at twelve o'clock, noon, on the day next succeeding the day on which the ten days' notice shall expire, in the presence of the supervisor, inspectors and parties in interest, and the contracts shall be awarded to the lowest average responsible bidder for the articles named in each division, which average price shall be determined by computing the total cost of the articles named in each division, on the basis of the price named for each article, and the quantity of each named in the advertisement.

Bids, when to be opened, and contracts awarded to lowest bidder, &c.

6. *And be it enacted*, That the board of inspectors and supervisor shall in each case determine the amount of bonds which contractors shall be required to give for the faithful performance of their contracts.

Board of inspectors and supervisor to determine amount of bond of contractor

7. *And be it enacted*, That contracts made under this act shall date and have effect ten days from the date of the award, and that all acts and parts of acts, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Contracts, when to take effect.

Approved March 3, 1881.

## CHAPTER LXXV.

Supplement to an act to encourage the production and treatment of fibres in this state, approved March third, one thousand eight hundred and eighty.

Section to be amended.

2. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is amendatory, be amended to supply an omission and elucidate the language of the section, so that the same shall read and be enacted as follows :

Treasurer authorized to pay bounties for the cultivation of fibrous plants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with the view to stimulate individual effort in the cultivation of fibrous plants, that the treasurer of this state be hereby authorized to pay the following bounties, upon vouchers duly receipted by the payee, setting forth the quantity and prices of the products grown, converted or manufactured by him or them, whose affidavit of their truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown, converted or manufactured ; *and, moreover*, the said vouchers shall be certified by the chief of the bureau of labor and industries of this state ;

## I.—JUTE.

Bounty for raising jute.

For every two thousand pounds of abutilon avicennæ stalks grown in New Jersey, not less than three feet long, five dollars ; for every ton of two thousand pounds of what is known as rose, or marsh mallow, not less than three feet long, and not more than one inch in diameter at the butt, five dollars : fractions of not less than a quarter ton in each case will be paid for at same rate ; for every pound of marketable quality of disintegrated jute, two and a half cents ;

## II.—RAMIE.

For every ton of two thousand pounds of ramie stalks, not less than two and a half feet long, ten dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of disintegrated ramie ready for combing, five cents; for every pound of ramie yarn ready to weave, ten cents; Bounty for raising ramie.

## III.—FLAX.

For every ton of two thousand pounds of flax stalks, for fibre of the ordinary lengths for spinning purposes, thus excluding all qualities of tow, seven dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of decorticated or cleaned flax of ordinary American quality, other than tow, three and a half cents; Bounty for raising flax.

## IV.—HEMP.

For every ton of hemp stalks of two thousand pounds, of the ordinary lengths, six dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned hemp, of ordinary American quality, three cents; *provided*, that the bounties hereby authorized shall cease on the first day of April, one thousand eight hundred and eighty-five; *and provided, further*, that in no event shall the total amount expended in the form of bounties, under this act, exceed the sum of fifteen thousand dollars, to be appropriated as follows: five thousand dollars to be awarded to the enumerated stalks; five thousand dollars to the enumerated cleaned fibre, and five thousand dollars to the ramie yarn. Bounty for raising hemp. Proviso. Proviso.

Approved March 3, 1881.

## CHAPTER LXXVI.

An act requiring the refunding of moneys overpaid in certain cases.

Treasurer of cities authorized to refund moneys overpaid on assessments for sewers or street improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any overpayment has been made by any person in any city of this state, of interest on any assessment for sewers or other street improvements, through inadvertence or misconception of the period from which the interest lawfully accrued, it shall be the duty of the treasurer of any such city to refund, on demand, the amount of such overpayment, with lawful interest thereon; said amount and interest to be ascertained and fixed by the competent authority in any such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

## CHAPTER LXXVII.

A Further Supplement to an act entitled "An act respecting executions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Process to be served upon assessor or collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any execution shall be issued against any school district of this state, or against the trustees of any such school district as a body corporate representing such school district, by any court authorized to issue the same, whether upon a judgment recovered before or sub-

sequent to the passing of this act, and there shall be no property belonging to said school district or body corporate sufficient to satisfy the same liable to be levied on, then the officer authorized to execute such process shall serve a copy of the same upon the assessor or assessors of the township or townships in which said school district is situate, and also upon the collector or collectors of such township or townships; and upon receipt of such copy or copies it shall be the duty of such assessor or assessors at the time of the next regular assessment of school taxes in such school district, to assess and levy in addition to said regular school taxes, the amount due upon said execution with interest to the time when the same shall be paid to the officer serving such process, upon the inhabitants of said school district, and their estates and upon the taxable property therein; and this tax shall be assessed and collected at the same time and in the same manner and under the same conditions, restrictions and regulations upon the assessor or assessors, collector or collectors as other taxes for school purposes are required to be assessed and collected in such school district; and the amount of this tax when collected shall be a separate fund, and shall be paid over by the collector of the township in which such school district shall be situate, or if such school district be situate in two or more townships then by the collector of that township in which the fraction of the school district containing the school-house is situate, to the officer serving the process.

Assessor to assess and levy amount due upon execution upon inhabitants, &c., of school district.

Tax, how assessed and collected, and to whom paid.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 7, 1881.

## CHAPTER LXXVIII.

An Act to protect and propagate grouse or prairie fowl.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person or game club shall, at their own expense, procure any grouse or prairie fowl, and turn out the same upon his or their lands or game preserve, and the same or their offspring shall stray or go

Unlawful for to shoot, trap or catch grouse or prairie fowl, other than owner of land or member of club.

upon the lands of others, it shall not be lawful for any person other than the owner of said lands or member of said game club to shoot any grouse or prairie fowl, and no person shall trap or catch the same.

Penalty for shooting or catching grouse or prairie fowl.

2. *And be it enacted*, That any person other than those authorized by section one, shooting grouse or prairie fowl, or found catching with trap or any other device, any grouse or prairie fowl shall, upon proof and conviction thereof, before any justice of the peace of the county wherein the offence was committed, or any other court of competent jurisdiction, pay to the treasurer, for the use of said game club, or to the person turning out the same, as the case may be, for every such grouse or prairie fowl, the sum of ten dollars, with costs of suit, or an imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

When unlawful to kill grouse, &c.

3. *And be it enacted*, That it shall not be lawful for any person to kill, by gun or in any other manner, any grouse or prairie fowl, between the first day of December and the fifteenth day of October, yearly and every year; every person so offending shall be subject to the penalties named in section two of this act.

Members of association authorized to prosecute offender.

4. *And be it enacted*, That every member of any association or organized game club in this state, turning out any grouse or prairie fowl, upon their lands or game preserve, shall be and are hereby empowered to prosecute, either in his own individual name or the name of the game club of which he is a member, for the penalties above prescribed for the violations of the provisions of this act.

Act to continue in force.

5. *And be it enacted*, That this act shall continue in force for a period of five years.

6. *And be it enacted*, That this shall be deemed a public act and take effect immediately.

Approved March 7, 1881.

## CHAPTER LXXIX.

A Supplement to an act entitled "An act to provide for licensing boats, hacks, and other vehicles by incorporated camp meeting associations or seaside resorts, and for the better government of the same," approved March nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended so as to read and be in the words following, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, commissioners, or other corporate authorities of any incorporated camp meeting association or seaside resort shall have power, within the premises of said corporation, to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for licensing and regulating cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, or owners and drivers of market wagons, garbage wagons, baggage wagons, milk wagons and carriages and vehicles used for the transportation of passengers and merchandise, and boats upon the lakes and premises of said corporations used for the transportation of passengers and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, (but this act shall not be construed to require a license from any person or persons selling or exposing for sale produce of their own growing) and to fix the rates of compensation to be paid to them, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities and to impose a license fee or license fees therefor and the fees for such license may be imposed for revenue: and that in such case, and in all cases where the said boards have authority to pass ordinances, rules, regulations and by-laws on any subject, they may prescribe a penalty or

Section to be amended.

Section as amended.

Board of trustees, directors or other authorities of any camp meeting association or seaside resort, authorized to make and repeal ordinances for licensing boats, hacks, &c.

penalties for the violation thereof, either by imprisonment in the county jail, not exceeding ten days, or by fine not exceeding twenty dollars, and any justice of the peace, police justice, or officer specially commissioned, possessing the powers or police justices appointed or to be appointed for any such corporation, shall have jurisdiction of such cases, and may give judgment and issue execution for collection of such fine or fines to be levied on any personal property owned by such person or persons, fined as aforesaid, directed to any marshal or peace officer appointed or to be appointed for such corporation, or to any constable of the county in which said corporation is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases or, in case of sentence to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 8, 1881.

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## CHAPTER LXXX.

A Further Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The laws of this state fail to provide for the legal settlement of children, born of alien parents after their arrival within this state, who have grown to maturity and become entitled to the rights of citizenship, and who may become objects of public charity ; therefore,

Legal settle-  
ment of chil-  
dren born of  
alien parents,  
how obtained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons shall gain a settlement in the same manner, and under the same restrictions,



as are now or may hereafter be provided, for the settlement and relief of poor persons born of native citizens of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1881.

## CHAPTER LXXXI.

A Supplement to the act entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the board of directors mentioned and created by said act, shall be called and known as the board of managers. Board of directors to be known as board of managers.

2. *And be it enacted*, That in addition to the powers now conferred upon said board, they shall have power to elect a treasurer, who shall hold his office for one year and until his successor shall be elected and qualified; and to appoint such other officers and agents as may be necessary to carry on the business of the institution; and to make such rules, by-laws and regulations for the government of the board, and for carrying out the objects, business and purposes of the institution as may, in their judgment, be necessary and proper. Empowered to elect a treasurer and other officers, &c. May make by laws, &c.

3. *And be it enacted*, That the annual appropriation for the support of the New Jersey Agricultural Experiment Station be and the same is hereby increased from its present sum of five thousand dollars a year to eight thousand dollars a year. Annual appropriation increased.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

## CHAPTER LXXXII.

## An Act respecting the clerk in chancery.

Clerk in chancery to enter into bond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall be appointed clerk in chancery shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken for the due and faithful discharge of the duties of his said office, before the chancellor for the time being, enter into bonds with the state of New Jersey, with at least two good and sufficient securities, being freeholders in said state, jointly and severally, in the sum of fifty thousand dollars, to be approved by the said chancellor, which bond, with the condition thereof shall be in the form hereinafter mentioned; and when so executed, shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary of state's office, and filed in the same, to be by him kept among the public papers of his office.

Oath and bond to be filed and recorded in office of secretary of state.

Form of bond.

2. *And be it enacted*, That the bond to be entered into as aforesaid by the said clerk in chancery and his sureties, with the condition thereof, shall be in the form following, that is to say :

Know all men by these presents, that we, A. B., C. D. and E. F., of \_\_\_\_\_, are held and firmly bound unto the state of New Jersey, in the sum of fifty thousand dollars, money of the United States, to be paid unto the said state of New Jersey, to the which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_

Condition of bond.

The condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of clerk in chancery of the state of New Jersey, and in all things

ouching or concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as to the said state of New Jersey, and at the expiration of his said office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then his obligation to be void, otherwise to be and remain in full force and virtue.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

## CHAPTER LXXXIII.

Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors, under the act to which this is a supplement, and the assignee for any reason has not sold the real estate assigned, and made his final report within one year as provided by law, it shall be lawful for such assignee to hereafter proceed to advertise and sell such real estate in the manner prescribed by law, and make his final report and settle said estate as he might have done if said time of one year had not expired; *provided*, he shall make such sale and file said account within one year from the approval of this act.

Assignee may advertise and sell real estate and make report and settle estate.

Proviso.;

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

## CHAPTER LXXXIV.

An Act to defray the expenses of repairs to the buildings of the Farnum Preparatory School at Beverly.

Trustees authorized to make improvements and repairs to buildings, &c.  
 Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Farnum Preparatory School at Beverly be authorized to make such improvements and repairs to the buildings of the said school as in their judgment may be necessary; *provided*, the expense thereof shall not exceed one thousand dollars, and the comptroller of the treasury is hereby authorized to draw his warrant upon the state treasurer for the bills of expenses so incurred, upon vouchers duly certified by the said trustees.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

## CHAPTER LXXXV.

A Further Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Writs of error in criminal actions to stay all proceedings upon judgments, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a writ of error shall be brought to remove any judgment rendered in any criminal action or proceeding, in any court of this state, and such writ of error shall be presented to such court, the said writ of error shall have the effect of staying all proceedings upon the said

judgment, and upon the sentence which the court or any judge thereof may have pronounced against the person or persons obtaining and prosecuting the said writ of error, pending and during the prosecution of such writ of error.

2. *And be it enacted*, That pending the prosecution of such writ of error, the court in which such judgment shall have been rendered, may, if deemed necessary, require the party prosecuting the same to give bail, during the prosecution of such writ of error in such sum and with such conditions as the court or any judge thereof, in which the said conviction was had, or any justice of the supreme court may deem reasonable; and it shall be the duty of the said court, and of the said judges, to admit such persons to bail, when application is made for the same, and proper and sufficient bail is offered; *provided*, Court may require party prosecuting writ to give bail, &c. that this section of this act shall not apply to capital cases. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

## CHAPTER LXXXVI.

### An act relative to public printing.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated and indexed under the two heads of general public acts, special public and private acts; also the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journals of the senate and minutes of the joint meetings and executive sessions and the minutes of the house of assembly, shall be printed in the same compact and workmanlike manner in which the said work was done in the year one Printing, how executed.

Senate journals, minutes of assembly, &c.

Public bills.	thousand eight hundred and seventy-two ; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines ; and the prices to be paid for said
Compensation to be paid.	printing shall be as follows : for printing six thousand copies of the session laws, the sum of forty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the journal of the senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press work ; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages ; and in cases where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars per sheet of four foolscap pages for each two hundred extra copies ; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for the press work ; <i>provided</i> , that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated ; and where matter requires two justifications, without rules, one price-and-a-half shall be paid ; <i>and provided further</i> , that seventy-five cents extra per page shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of the senate and minutes of the house of assembly.
Proviso.	
Proviso.	
Work to be completed—how done.	2. <i>And be it enacted</i> , That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description : for the documents, journals and minutes white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets ; for the laws the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets ; for
Paper.	

the bills, to be on good flat cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold per pound by paper dealers in New York or Philadelphia on the first day of April; and satisfactory evidence of the price of such paper within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes under title of "legislative documents," and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volumes of documents there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume and shall be preceded by a list of the documents contained in such volume in the order in which they are arranged; when any document shall be ordered to be printed more than once (at periods more than ten days apart), the printer thereof shall be entitled to charge composition as above provided for each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or document-.

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

Number of copies to be printed.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretry of the senate to deliver copies completed of the journals of their respective houses to the persons employed to print the same within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer for the use of the state one hundred dollars of their salary; and the persons designated to print the said minutes and journals shall finish their work, and deliver it to the state treasurer within three months of the time of receiving the copy therefor, under a penalty of three hundred dollars; and the state treasurer shall

Officers to furnish copy.

Duty of state treasurer.

make distribution according to law of the said minutes and journals within one month after he shall receive the same from the person or persons designated to print the same.

Indices and  
compensation  
therefor.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively, who may be empowered to execute said printing, and the sum of seventy-five dollars each shall be allowed said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to the senate journal and to the assembly minutes shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Printer of cer-  
tain reports.

6. *And be it enacted*, That William S. Sharp be employed to print the report of banking and savings institutions, and the comptroller's report with appendix.

Current print-  
er.

7. *And be it enacted*, That John L. Murphy be employed to print the bills of the senate and general assembly, and such other document printing as may be ordered by the two houses, and the annual reports of state officers to the legislature except when otherwise disposed of by this bill.

Senate journal.

8. *And be it enacted*, That Sanford S. Murphy, of the city of Burlington, be employed to print one thousand copies of the senate journal and minutes of joint meeting and executive sessions for the current year, in compact form as per journal of one thousand eight hundred and seventy-two.

Minutes of the  
house.

9. *And be it enacted*, That Samuel L. Garrison, of Broomton, be employed to print one thousand copies of the minutes of the house of assembly for the current year in compact form as per minutes of one thousand eight hundred and seventy-two.

Laws, and  
when to be  
delivered.

10. *And be it enacted*, That Thomas C. Hamilton, of Gloucester City, be employed to print six thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Thomas C. Hamilton shall have received



the copies thereof; and on failure thereof the said Thomas C. Hamilton shall forfeit the sum of three hundred dollars, Penalty. which the said treasurer is authorized to withhold and deduct from the amount due them for printing the said copies; and the said treasurer shall make distribution according to law of the said copies of the laws within one month after he shall receive the same.

11. *And be it enacted*, That Peter W. Rousse, of Elizabeth, Documents. be employed to print one thousand copies of the legislative documents of the current year.

12. *And be it enacted*, That Samuel Toombs, of Orange, be Printer of cer-  
tain reports. employed to print the reports of the state board of agriculture, the state prison report, the state normal school report, the attorney general's report, the Trenton asylum report, the report of the superintendent of weights and measures, the report of the commissioner of railroad taxation, the report of the riparian commission, the adjutant general's report, the report of the Morristown lunatic asylum, and the report of Rutgers scientific school.

13. *And be it enacted*, That Charles H. Folwell, of Mount Holly, be employed to print the state treasurer's report, the Printer of cer-  
tain reports. report of the board of health, and the report of the state board of education.

14. *And be it enacted*, That Edward B. Porter, of Somerville, be employed to print the report of the bureau of statis- Printer of cer-  
tain reports. tics.

15. *And be it enacted*, That John F. Babcock, of New Brunswick, be employed to print the report of the secretary Printer of cer-  
tain reports. of state as commissioner of insurance.

16. *And be it enacted*, That Winfield S. Snyder be employed Printer of cer-  
tain reports. to print the quartermaster general's report.

17. *And be it enacted*, That Theodora S. Preith, of the city Report in  
German. of Newark, be employed to print the usual number of such reports as may be ordered printed in German during the current year, except the report of the state board of agriculture.

18. *And be it enacted*, That L. Bauerbrand & Co., of Elizabeth, be employed to print the usual number of the state Reports in  
German. board of agriculture report in German.

19. *And be it enacted*, That it shall be the duty of the sec- Secretary of  
state to furnish  
copy. retary of state to deliver or cause to be delivered to the person or persons, who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legisla-

ture, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Repealer.

20. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and are hereby repealed.

21. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1881.

## CHAPTER LXXXVII.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Council authorized, upon consent of one-half or more of the value of taxable property, to borrow money to complete or carry out improvements and to issue bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of laying out, grading or improving the streets or sidewalks of any borough formed or organized by virtue of the act to which this is a supplement, it shall and may be lawful for the council of said borough, upon obtaining the written consent of persons representing one-half or more of the value of the taxable property in said borough, as represented by the duplicate of the borough assessor, to borrow such sum or sums or money, in the name of the borough, as may be necessary to carry out and complete the laying out, grading or improvement of any street or streets, sidewalk or sidewalks in said borough; and to secure the payment thereof by the issuing of bonds or other instruments, under the common seal of the borough and signature of the mayor, attested by the clerk; said bonds not to run for a longer period than twenty years from the date thereof, and to bear interest at a rate not exceeding the legal rate.

2. *And be it enacted*, That said council may, upon obtaining the written consent of the persons representing one-half or more of the taxable property in said borough as aforesaid, to When council authorized to grade and improve streets, &c. cause any of said streets or sidewalks to be graded and improved, and to issue bonds or other instruments, under the common seal of said borough and signature of the mayor, as they shall deem for the best interests of said borough.

3. *And be it enacted*, That when the council of any borough shall issue bonds as herein provided, that it shall and may be lawful for the said council to order and cause to be assessed Interest and principal on bonds to be assessed and collected. and raised by tax every year, each sum of money, in addition to other moneys to be raised by said borough, as may be requisite to pay the interest on said bonds, and so much of the principle thereof as they may deem necessary and expedient, and to provide for the payment of said bonds when due; *provided*, the provisions of this act shall not be operative Proviso. until the people of such borough shall vote on the issue of such bonds at the next ensuing municipal election to be held in such borough, and if a majority of the legal voters therein shall vote against such issue then no such issue of bonds shall be made.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 10, 1881.

## CHAPTER LXXXVIII.

An Act for the better protection of manufacturers and bottlers of, and dealers in mineral waters, beer, ale, porter and other beverages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all manufacturers and bottlers of, and dealers in mineral waters, beer, ale, porter or any other beverages whatsoever, having to use boxes or bottles upon which his, her or their name or names, mark or marks shall be respectively marked, stamped or impressed, may file in the Manufacturers and bottlers may file in county clerk's office description of boxes or bottles, &c., and may publish same in newspapers.

office of the clerk of the county in which the business of any such manufacturer, bottler or dealer is conducted, or in the county wherein the principle office or depot of any such manufacturer, bottler or dealer shall be located, doing business in this state but manufacturing or bottling out of this state, a description of such boxes or bottles, and of the name or names, mark, or marks thereon, and may cause the same to be published for four weeks successively in a daily, weekly or other newspaper published in the said county.

Unlawful to use, sell, buy, &c., any boxes or bottles, marked or stamped.

2. *And be it enacted*, That it shall be unlawful for any person or persons hereafter, without the written permission of the owner or owners thereof, to use, sell, dispose of, buy or traffic in, or to wilfully mar or erase, the name or names, mark or marks thereon, or to break, destroy or otherwise injure any such box or boxes, bottle or bottles so marked or stamped, a description of which shall have been so filed and published as aforesaid, or to fill the same with mineral water, beer, ale, porter or any other beverage whatsoever for the purpose of sale or traffic.

Penalty for using, buying, selling, &c., any boxes or bottles.

3. *And be it enacted*, That any person or persons who shall so use, sell, dispose of, buy or traffic in, or who shall so mar, erase, break, destroy or otherwise injure or fill any such box or boxes, bottle or bottles, as aforesaid, shall be liable to the penalty not less than twenty-five nor more than fifty dollars, to be recovered by proceeding as hereinafter set forth, together with all costs of such proceedings; which said penalty shall be for the use of the poor of the city, town or township wherein such offence shall be committed.

When deemed an unlawful use or purchase, &c.

4. *And be it enacted*, That the fact of any person or persons other than the rightful owner or owners thereof using such box or boxes, bottle or bottles, for the sale therein of any mineral water, beer, ale, porter or other beverage, or any junk vender, or dealer in bottles, having secreted in or upon his, her or their premises, or any other place or places, or having in his, her or their possession unlawfully, any of such boxes or bottles shall be *prima facie* proof of the unlawful use and purchase of such box or boxes, bottle or bottles as aforesaid.

Owner or owners, upon belief, may make complaint of the unlawful use, &c., before any justice, police justice, &c.

5. *And be it enacted*, That if any such owner or owners, or his, her or their agent have reason to believe, and does or do believe, that any of his, her or their box or boxes, bottle or bottles, marked, stamped or impressed and registered as aforesaid, are being, or have been unlawfully used as aforesaid, by

any person or persons, or that any junk vender or dealer in bottles has, or has had any of such boxes or bottles unlawfully in his possession as aforesaid, or has any of such boxes or bottles secreted in or upon his, her or their premises, or in any other place or places, any such owner or owners, or his, her or their agent, may go before any justice of the peace of the county or any police justice or recorder of any city wherein such offence may be, or have been committed, and make complaint thereof under oath.

6. *And be it enacted*, That it shall be the duty of any justice of the peace, or any other magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant, directed to any constable or police officer of said city, which shall recite said complaint as aforesaid, and shall command said constable or officers to immediately search the premises, place or places mentioned in said complaint, and if upon such search any such box or boxes, bottle or bottles, as mentioned in said complaint, be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice.

Magistrate to issue process or search warrant to bring property or person before him.

7. *And be it enacted*, That when any such person or persons as aforesaid, shall be brought before any justice of the peace or such other magistrates, upon a process issued as aforesaid, such person or persons shall enter into a recognizance with good security to be approved by said justice, in the penalty of one hundred dollars, to appear at such time as the said justice shall appoint, for a hearing under said complaint, which hearing shall not be less than five nor more than ten days from the day of said arrest, and may be adjourned by such justice from time to time on good and sufficient cause being shown therefor, and in default of such recognizance, such person or persons shall be committed by said justice to the county jail to abide a hearing; upon which hearing the said justice shall proceed to hear and determine as to the truth of said complaint, and the ownership of any such boxes or bottles which may be brought before him; and if said justice shall determine such person or persons guilty of the offense as charged in said complaint, he shall thereupon render judgment against such person or persons for an amount of not less than twenty-five dollars nor more than fifty dollars, and all costs of such proceedings, and in default of payment thereof issue execution

Offender to enter into recognizance.

Offender to be committed to county jail.

Judgment to be rendered, &c.

therefor against the goods and chattels, and the body of such person or persons, and shall immediately deliver such boxes or bottles into the possession of such owner or owners to whom the same shall appear to belong.

Justice to deliver to owner or owners all boxes or bottles belonging to them, &c.

8. *And be it enacted*, That if upon the issue of any such process as aforesaid the said constable shall be unable to find the person or persons therein named, but shall find any boxes or bottles therein set forth, he shall bring such boxes or bottles before said justice, who shall thereupon proceed to determine the right of such complainant thereto, and if upon the hearing had thereon, he shall be satisfied that such boxes or bottles rightfully belong to such complainant, he shall forthwith deliver the same into his, her or their possession.

Parties may demand trial by jury.

9. *And be it enacted*, That any time previous to the hearing of said complaint as aforesaid, either party may demand a trial by jury, whereupon said justice shall issue a *venire facias* to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person or persons complained of be guilty or not guilty, which said jury shall determine the rightful ownership of every such box or boxes, bottle or bottles, if any there be, as well as the guilt of the person or persons complained of; and in case the said jury decide such person or persons guilty, then said justice shall proceed as though he had so determined if no jury had been demanded.

Appeals may be had to court of general quarter sessions.

10. *And be it enacted*, That either party, upon paying all costs incurred, and by filing with said justice within ten days after trial before him, a written notice of his, her or their intention to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace, and may there demand a trial by jury, which court shall proceed to try the same and make such adjudication and delivery thereon as is herein provided, in case of such trial before said justice.

Proceedings under this act may be regulated and conducted as prescribed by a certain act.

11. *And be it enacted*, That except as herein provided, all proceedings had under the provisions of this act, shall as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes" and the several supplements thereto.

Repealer.

12. *And be it enacted*, That all acts and parts of acts

inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 11, 1881.

## CHAPTER LXXXIX.

A Supplement to an act entitled "An act for the formation of borough governments in sea-side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to which this is a supplement be amended so that the same shall read as follows :

17. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten mills on the dollar shall, in the opinion of the said council, be necessary to be raised in any one year for the uses of such borough, then and in such case the said council are hereby authorized to give notice to the property holders of the borough by advertisement, published in one newspaper, if any there be printed in the county in which such borough is situated, for at least two weeks, once in each week, before acting thereon; and by printed hand bills put up in five of the most public places in such borough for a like period, stating the sum of money necessary to be raised and the purposes and uses for which such money is needed, and upon obtaining the written consent of persons representing one half or more of the taxable property in said borough, as represented by the duplicate of the borough assessor for the previous year, said members of council may proceed to vote thereon; and every sum of money so voted by any resolution of the said council to be raised by tax in such borough, shall be assessed and collected the same as other taxes are assessed and collected; *provided, always*, that whenever the council shall by a unanimous vote declare any sum, not exceeding two thousand dollars, in any one year

Section as amended.

Notice to be given when greater sum is necessary to be raised by tax in any one year for borough purposes.

proviso.

to be necessary for the repairing or maintaining of the beach front, such sum so voted upon shall be assessed and collected in the same manner that the other taxes are assessed and collected, and said council may, if by unanimous vote they declare it necessary, borrow such sum in anticipation of its assessments and collection, giving therefor such bond or bonds as they are hereinbefore authorized to issue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1881.

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## CHAPTER XC.

An act to prevent the issue of false receipts and to punish fraudulent transfers of property by warehousemen, wharfingers and others, and to provide for the transfer of merchandise, receipts and other vouchers by endorsement.

Unlawful for any warehouseman to issue any receipt, acceptance, &c., to any person or persons, unless goods, &c., shall be in the store or under his control.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no warehouseman, wharfinger, public or private inspector, or custodian of property, or other person or corporation, shall issue any receipt, acceptance of an order, or other voucher, for or upon any goods, wares, merchandise, provisions, grains, flour or other produce or commodity, to any person or persons, or corporation, purporting to be the owner or owners thereof, or entitled or claiming to receive the same, unless such goods, wares, merchandise, provisions, grain, flour or other commodity shall have been actually received into the store or upon the premises of such warehouseman, wharfinger, inspector, custodian or other person, or corporation, as stated therein, and shall be in the store or upon the premises as aforesaid, and under his or its control at the time of issuing such receipt, acceptance or voucher.



2. *And be it enacted*, That no warehouseman, wharfinger, custodian or other person or corporation shall issue, or cause to be issued, any receipt or other voucher upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, to any person or persons, or corporation, as security for any money loaned or other indebtedness, unless such goods, wares, merchandise, provisions, grain, flour or other produce or commodity shall be at the time of issuing such receipt or other voucher in the custody of such warehouseman, wharfinger or other person or corporation, and shall be in store or upon the premises and under his or its control at the time of issuing such receipt or other voucher as aforesaid.

Unlawful to issue receipt or voucher for goods, &c., unless goods, wares, &c., shall be in store, &c.

3. *And be it enacted*, That no warehouseman, wharfinger, inspector, custodian, or other person, or corporation, shall issue any second or duplicate receipt, acceptance, or other voucher, for or upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, while any former receipt, acceptance, or voucher for or upon any such wares, merchandise, provisions, grain, flour or other produce or commodity as aforesaid, or any part thereof, shall be outstanding and uncanceled without stamping or writing in ink across the face of the same "duplicate."

When unlawful to issue any second or duplicate receipt, voucher, &c.

4. *And be it enacted*, That no warehouseman, wharfinger, custodian or other person or corporation, shall sell or encumber, ship, transfer, or in any manner remove beyond his immediate control any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, for which a receipt shall have been given by him as aforesaid, whether received for storing, shipping, grinding, manufacturing or other purposes, without the written consent of the person or persons holding such receipt, except in case of a notice in writing served upon the person holding such receipt, demanding removal of the same, in which case the same shall be removed within twenty days after the service of such notice.

Unlawful to sell, transfer or remove goods, &c., for which a receipt has been given, without written consent of person holding receipt.

5. *And be it enacted*, That no master, owner or agent of any vessel, or boat of any description, or officer, or agent of any railroad company, or other person, shall sign or give any bill of lading, receipt or other voucher or document, for any merchandise or property, from which it shall appear that such merchandise or property has been shipped on board any vessel, boat or railroad car, unless the same shall have been actually shipped, and put on board such vessel, boat or car, and shall

Unlawful for master, owner or agent of vessels to sign or give a bill of lading or receipt for merchandise, unless the same has been shipped and put on board of vessel, &c.

be at the time actually on board or delivered to such vessel, boat or car, to be carried and conveyed as expressed in such bill of lading or other voucher or document.

Warehouse receipts or other vouchers, may be transferred.

6. *And be it enacted*, That all warehouse receipts or other vouchers given for any goods, wares, merchandise, provisions, grain, flour or other produce or commodity stored or deposited with any warehouseman, wharfinger, corporation or other person or persons, may be transferred by endorsement or delivery thereof, and any person to whom the same may be transferred shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified without notice of such transfer, or an actual delivery, or change of possession of the goods, wares, merchandise, grain, flour or other produce or commodity named therein, so far as to give validity to any pledge, security, lien or transfer made or created by any person or persons, corporation or corporations; but no property shall be delivered except in surrender and cancellation of said original receipt or the endorsement of such delivery thereon, in case of partial delivery; all warehouse receipts, however, which shall have the words "not negotiable" plainly written, printed or stamped on the face thereof, shall be exempt from the provisions of this section; *provided, however*, that the person or persons, corporation or corporations, to whom such receipts or vouchers are endorsed and delivered, shall be subject to the same conditions as the person or persons, corporation or corporations, to whom the same were originally delivered.

Proviso.

Penalty for the violation of this act.

7. *And be it enacted*, That any warehouseman, wharfinger, inspector, custodian or other person or corporation who shall violate any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction, shall be fined in any sum not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment; and all and every person or persons, corporation or corporations, aggrieved by the violation of any of the provisions of this act may have and maintain an action at law against the person or persons, corporation or corporations violating any of the provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted as hereinbefore mentioned or not.

8. *And be it enacted*, 'That so much of this act as forbids the delivery of property, except in surrender and cancellation of the original receipt, or the endorsement of such delivery thereon, in case of partial delivery, shall not apply to property removed by operation of law. Act not to apply to property removed by operation of law.

9. *And be it enacted*, 'That this act shall take effect immediately.

Approved March 11, 1881.

## CHAPTER XCI.

A Supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, one thousand, eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 'That each fire insurance company not organized under the laws of this state, that shall take insurance risks on property in this state, shall on the first day of the months of January and July in each year, cause to be made to the treasurer of the fire department relief fund association of each city, town or township in which property is on which such company has taken an insurance risk, a true return in writing, verified by oath of an officer of such company, showing the amount of all premiums collected by others than the regularly appointed agents of such company doing business in this state, within the six months immediately preceding the time of making each of said returns for insurance by such company, on property in such city, town or township, and pay, some time in the months of January or July in every year, to said treasurer, the sum of two dollars for every one hundred dollars of such premiums, and at the same rate for amounts of premiums collected less than one hundred dollars; but this Agent or agents to return amount of premiums received to treasurer of fire department relief fund.

act shall in no wise alter or affect the making of returns to the different firemen's relief fund associations by regularly appointed agents of such fire insurance companies.

Duty of secretary of state in case report is made of default of payment.

2. *And be it enacted*, That each fire insurance company that shall fail to comply with the provisions of the preceding section, the same being reported to the secretary of state, in writing, attested by the oath of said treasurer, the secretary of state shall forthwith revoke any certificate of authority issued to said company, and until the provisions of this act shall have been complied with by such company, said company shall not have authority to transact business in this state.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1881.

## CHAPTER XCII.

An act to extend the time for the completion of horse railroads whose charters shall or shall have expired during the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, where work has been performed on said horse railroads and money expended thereon.

Time limited for completion of any horse railroad extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any horse railroad, authorized to be constructed within this state under special acts, shall expire or shall have expired during the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, such time shall be and the same is hereby extended for a further period of five years; *provided, however*, that this act shall not apply, unless money has been actually expended in

Proviso.

surveys, locations of route, the acquirement of rights of way, or construction.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1881.

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## CHAPTER XCIII.

An Act relative to the Monmouth battle monument.

WHEREAS, "The Monmouth Battle Monument Association," reamble.  
a corporation under the laws of this state, has acquired title to a tract of land containing nearly four acres, in the township of Freehold, in the county of Monmouth, at the place where the battle of Monmouth commenced on the morning of the twenty-eighth day of June, anno domini one thousand seven hundred and seventy-eight; which tract of land, called "Monument Park," is valued at three thousand dollars, and which was acquired by said association for the purpose of erecting a monument thereon; *and whereas*, the said association has received from citizens of this and other states donations amounting to over nine thousand dollars in cash, and are receiving from week to week additional subscriptions to be expended towards the erection of a monument on said "Monument Park," which with the cash now in hand will probably before the first day of April next amount to the sum of ten thousand dollars; *and whereas*, the said association has not collected and may not collect within the time specified in the deed to said association for said land, a sum of money sufficient to erect a monument of such size and finish as is demanded by the importance of the historic event it is designed to commemorate; *and whereas*, it is proper for the state to aid patriotic citizens who contribute, in constructing monuments on her battle fields; *and whereas* it is represented that the said "Monmouth Battle Monument Association" will convey to the state of New Jersey the said tract of land known as "Monument Park," to be

used for said object, and also to contribute money in the hands of its treasurer and which may hereafter come to his hands, towards the erection of said monument; *provided*, the state will appropriate a sum for such object, equal in amount to the value of said tract of land and the moneys which have been paid in, or which shall be paid in to the said association, not exceeding the sum of ten thousand dollars, therefore;

Appropriation  
toward the  
erection of a  
monument.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That out of any moneys in the treasury of this state, there be hereby appropriated the sum of ten thousand dollars, to be paid as hereinafter specified towards the erection of a monument of granite or marble on the tract of land now belonging to the "Monmouth Battle Monument Association," called "Monument Park," in the township of Freehold, Monmouth county, New Jersey; *provided*, that before said sum of money; or any part thereof, be paid to the commissioners hereinafter mentioned, or simultaneously therewith, the said association shall convey their right in said "Monument Park" to the state of New Jersey, to be used for the said purpose only; and shall also pay to the said commissioners the sum of at least eight thousand dollars, to be used, with the sum appropriated hereby by the state, for the erection of said monument.

Who consti-  
tutes commis-  
sion.

Authorized to  
contract for,  
erect and finish  
a monument,  
&c.

2. *And be it enacted*, That the comptroller of the treasury, the adjutant general and quartermaster general of this state, the president of the senate and speaker of the house of assembly for the time being, together with five trustees of the "Monmouth Battle Monument Association," to be chosen by said association, be and the same are hereby constituted a commission under this act to select a design, to contract for, erect and finish on "Monument Park" aforesaid a suitable monument, to be ornamented with such statuary and tablets of bronze or other material as the commissioners shall determine, and also to grade, fence and improve the grounds at an expense not exceeding the sum hereby appropriated and the amount which shall be paid to said commission by said association; and that said commission commence work upon and finish said monument as soon as practicable, and said commissioners shall not receive any compensation for their services.

3. *And be it enacted*, That the persons who shall compose said commission shall meet at the court house, in the town of Freehold, on the second Saturday of April, anno domini one thousand eight hundred and eighty-one, at eleven o'clock, A. M., six of whom shall be a quorum for transaction of business, and shall at such meeting organize and pass by-laws, rules and regulations, and elect a treasurer and other officers, which treasurer, before performing the duties of his office, shall enter into bond to the State of New Jersey, conditioned for the faithful discharge of his duties, in such sum as the said commission shall determine, and shall not receive any compensation; and that the said association shall on or before the first Monday of May, anno domini one thousand eight hundred and eighty-one, transfer to the treasurer of said commission all the moneys or evidences of indebtedness which now are, or shall be in the hands of the treasurer of said association at that time, and shall from time to time, pay to said commission the moneys which may thereafter be received by said association for the purpose of erection of the monument, except the sum of two thousand dollars, which said association shall retain for the purposes hereinafter provided, and the said treasurer shall in all cases pay out moneys only on the order of at least four of said commission, of which at least two shall be state officers herein designated.

Time and place of meeting of commission.

May make by-laws, rules, &c.

Association to transfer to the treasurer all moneys, &c.

4. *And be it enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the treasurer of said commission the moneys hereby appropriated, to be used by said commissioners, together with the moneys contributed by said association, to erect and maintain a monument on said "Monument Park," and to grade, fence and improve said grounds; *provided*, the said association shall, on or before the first Monday of May next, transfer all moneys and evidences of indebtedness belonging, or which shall then belong to said association (except the said sum of two thousand dollars) to the treasurer of said commission, and shall execute the deed aforesaid to the State of New Jersey; *provided, also*, that no part of said moneys hereby appropriated shall be drawn from the treasury of the state until a majority of the persons composing said commission (the comptroller being one) shall certify in writing that said moneys are needed and required for the purposes for which this appropriation is made, which certificate shall be filed in the office of the comptroller; *and provided, further*, that not more than two thousand dollars of said

State treasurer authorized to pay to treasurer of commission moneys appropriated, &c.

Proviso.

Proviso.

Proviso.

moneys hereby appropriated shall be drawn from the treasury of the state before the first day of January, anno domini eighteen hundred and eighty-three.

Commission to make report to the governor.

5. *And be it enacted*, That after the said monument shall be completed and unveiled, and the grounds properly graded, fenced, and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument and grounds shall devolve upon and be vested in the "Monmouth Battle Monument Association of the State of New Jersey."

Association to reserve a certain amount of money and place the same at interest.

6. *And be it enacted*, That said association shall, out of the moneys in the hands of its treasurer, reserve the sum of two thousand dollars and place the same at interest, the interest to be collected semi-annually, which interest moneys, or so much thereof as shall be necessary, shall be used to keep the grounds and fences of said "Monument Park" in order and to care for the monument.

Monument grounds to be kept open for the use of the public.

7. *And be it enacted*, That said monument grounds shall always be open, so that all persons may have access thereto without charge, under proper rules and regulations enacted by said association, which shall not be inconsistent with the laws of this state or of the United States.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 14, 1881.

## CHAPTER XCIV.

Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, anno domini one thousand eight hundred and seventy-eight.



1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any borough incorporated under the act to which this is a supplement, when the number of legal voters within the boundaries of said corporation does not exceed one hundred and fifty, may, at any election hereafter being had, decide by a majority of votes cast, whether or not said borough incorporation shall be continued or set aside.

Legal voters may decide, by election, whether borough incorporation shall be continued or not.

2. *And be it enacted*, That it shall be the duty of the freeholders of the township wherein said borough exists, to appoint a time and place for such an election upon the application of ten freeholders residing within the limits of such borough incorporation, by setting up a notice of such election in three public places within said borough, at least ten days previous to said election; *provided*, this act shall not apply to any borough which has entered into any contract or is liable for any expenditure of indebtedness of any kind.

Freeholders of borough to appoint a time and place for election.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

## CHAPTER XCV.

An Act to provide for the substitution of bonds and mortgages upon school district property for certain unmatured bonds of school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any school district in this state, the trustees of which have heretofore, pursuant to any law of this state, made, executed and delivered school district bonds conditioned for the payment of any specified rate of interest, and further conditioned for the payment of taxes which may be levied, assessed or imposed on the money mentioned in and intended to be secured by said bonds, may, with the consent of the holder or holders of said bonds, substitute therefor the bonds and mortgages of the school district.

Trustees of school districts may substitute bonds and mortgages of the school district for bonds issued with the consent of the holders thereof.

Trustees to execute and deliver the bonds and mortgages.

2. *And be it enacted*, That the bonds and mortgages provided for by the first section of this act shall be made, executed and delivered by the trustees of the said school district to the holders of the bonds heretofore issued as aforesaid, that they shall be in the same amounts, payable at the same times, and shall bear the same rate of interest as the bonds for which they are substituted.

Mortgages to be a lien upon the real estate.

3. *And be it enacted*, That the said mortgages shall cover and be a lien upon such real estate of the school district as the trustees thereof and the holders of said bonds may agree upon; *provided, however*, that the bonds and mortgages to be issued by any school district in this state, under the provisions of this act, shall not exceed in the aggregate the sum of ten thousand dollars.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

## CHAPTER XCVI.

A Further Supplement to an act entitled "An act for the protection of bridges in this state" [Revision], passed February twenty-seventh, one thousand eight hundred and thirty-three.

Owner or owners of drawbridges erected across navigable waters may erect on both sides thereof distance posts, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owner or owners of any bridge erected and maintained across any navigable waters within this state, under the provisions of any law thereof, to erect and maintain in such waters, on both sides of the drawbridges of such bridges, substantial and conspicuous distance post, at the distance of five hundred yards from said drawbridge, in such position as to cause the least practicable obstruction to the navigation of such waters, and to erect upon such drawbridge a pole, not less than thirty feet in height, to the top of which a ball, of

less than two feet in diameter, may be raised; and it shall be the duty of the person having special care of such draw-bridge, to raise said ball to the top of said pole whenever any railway passenger train about to cross said drawbridge shall have arrived within the distance of one mile from said draw-bridge, and to keep the said ball so raised until such train shall have passed over said drawbridge, and then promptly to lower said ball; and if such person shall neglect to raise and lower said ball in manner aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same.

Ball to be raised on the approach of railway trains.

Penalty for neglect to raise and lower ball.

2. *And be it enacted*, That if any person or persons having the command of any vessel about to pass through any draw-bridge comprised within the provisions of the first section of this act, shall, while the ball mentioned in the said first section is raised as aforesaid, cause or permit such vessel to pass the distance post aforesaid, erected on that side of such draw-bridge toward which such vessel is approaching, he or they so offending shall, for each and every such offence, forfeit and pay the sum of one hundred dollars, besides being liable for all damage that may be done to said bridge, or the owner or owners thereof, or to any railway train thereon, by reason of such offence, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person or persons who shall sue for the same.

Penalty for any person commanding vessel passing the distance posts when the ball is raised.

Liable for damages done to bridge, train, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

## CHAPTER XCVII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount ap-  
propriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer au-  
thorized to pay  
appropriation.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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## CHAPTER XCVIII.

An Act for the relief of soldiers, sailors and their widows of this state, in the war of one thousand eight hundred and twelve.

Preamble.

WHEREAS, The legislature of the state of New Jersey did order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, the sum of one hundred dollars, in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; *and, whereas*, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; *and, whereas*, there are a few soldiers and sailors and widows of such soldiers and sailors of the war of one thousand eight hundred and twelve, who, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received any pension of the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy eight; *provided*, that nothing in this act shall allow any soldier, sailor or their widow to receive any benefit therefrom who have received pension already under the act of March twelfth, one thousand eight hundred and seventy-four, or any supplement thereto.

Pension to soldiers and sailors, and widows of soldiers and sailors of the war of 1812.

Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Repealer.

Approved March 15, 1881.

## CHAPTER XCIX.

A Supplement to the act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, and re-enacted in sections one hundred and sixty and one hundred and sixty-one of the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company having constructed a portion of its railroad to suspend the operation of such portion during such time or times as in the judgment of its board of directors may be requisite to complete its railroad or to reconstruct the same, or to alter the grade or grades of its railroad already built; anything in the act to which this is a supplement, or in any other law to the contrary notwithstanding.

Railroad companies having constructed a portion of road, may suspend such portion or alter the grade or grades of road already built.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

## CHAPTER C.

A Supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine.

Section to be amended re-cited.

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

Justice of supreme court to cause summary investigation to be made.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in

such manner as he may deem proper ; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt ; the costs incurred under this act shall be taxed by said justice and paid upon this order by the disbursing officer of the corporation, whose expenditure may have been investigated.

Penalty for reprisal or failure to obey order of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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## CHAPTER CI.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school, and the sum of five thousand dollars for construction of farm buildings.

2. *And be it enacted*, That the treasurer is hereby authorized to pay this amount to the trustees of the state reform school for boys, on the warrant of the comptroller.

Treasurer authorized to pay appropriation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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## CHAPTER CII.

A Supplement to the act entitled "An act for the formation of borough governments," approved April fifth one thousand eight hundred and seventy-eight.

Section to be amended recited.

Election for mayor and councilmen to be held annually.

Term of office.

Council authorized to cause to be assessed and raised by tax sum of money to meet current expenses.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act be and the same is hereby amended so as to read as follows:

4. *And be it enacted*, That on the first Tuesday of October next, after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of March annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough; at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years; the mayor shall hold his office for one year.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order, and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk shall be assessed and collected the same as provided for and directed in the act to which this is a supplement.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.



## CHAPTER CIII.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been, or shall hereafter be issued for the collection of taxes in any incorporated town of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the common council of the said town, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned within sixty-days from the date of issuing the same in the manner provided for the return of original warrants in said incorporated towns, and shall be directed and delivered to the collector of said town, or to such person, as the said common council may appoint for that purpose; *provided*, that in case of the appointment of any person other than the collector, he shall be required before receiving the said warrant, to give a bond with such security as the common council may direct and approve of; and the said collector or other person so appointed shall, in the execution of the said alias or pluries warrants, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the collectors of the several incorporated towns, in the execution of warrants for the collection of taxes.

Justice of the peace to issue alias or pluries warrants for collection of taxes.

Warrants to be executed and returned within sixty days.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

## CHAPTER CIV.

An Act to authorize municipal corporations to contract for a supply of water for public uses.

Municipal corporations authorized to contract for a supply of water for public use.

Money agreed to be paid to be levied and assessed upon real and personal property.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council, township committee or other governing body of any municipal corporation in this state, by whatever name such governing body may be called, to enter into and make a contract and agreement, with any existing aqueduct board or water company for a year or term of years, for the obtaining and furnishing of a supply of water to be used by and within such municipal corporation for the purpose of extinguishing fires, and for such other public uses and purposes as may be found necessary or convenient; which contract and agreement when so made shall be the valid and lawful contract of such municipal corporation, as well as of the said aqueduct board or water company, according to the tenor thereof; and the sum or sums of money in such contract, agreed to be paid in each year by any such municipal corporation, shall be levied and assessed as a tax upon the real and personal estate within such municipal corporation, and liable to taxation for other municipal purposes, and the said real estate and personal property is hereby made liable to the assessment and collection of such tax; *provided, however*, and it is hereby expressly enacted that no such agreement and contract shall be made, for a period longer than ten years in any one term, and that the amount of payment in such contract agreed to be made in any year by any municipal corporation, shall not exceed a sum equal to one dollar for each inhabitant of such municipal corporation, unless the proposition be approved by a majority of the legal voters in such municipal corporation at an annual or special election, to which the same may be submitted; *and provided*, that this act shall not apply to any city now sup-

plied with water for public use pursuant to an existing contract or arrangement with some board or corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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## CHAPTER CV.

A Supplement to "An act respecting the Court of Chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the vice-chancellor provided for in the act to which this is a supplement, there shall hereafter be another vice-chancellor, who shall be a counsellor at law of at least ten years' standing, and who shall be appointed by the chancellor and commissioned by the governor under the great seal of the state, and who shall continue in office for seven years from the date of the commission. Chancellor authorized to appoint an additional vice-chancellor.

2. *And be it enacted*, That the powers, duties and compensation of the vice-chancellor appointed by virtue of this act shall be similar to those of the vice-chancellor appointed by virtue of the act to which this is a supplement. Powers, duties and compensation of vice-chancellor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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## CHAPTER CVI.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-seven of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and is hereby amended so as to read as follows:

State tax imposed.

77. *And be it enacted*, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually upon the taxable real and personal property in this state, as exhibited by the latest abstracts of ratables from the several counties, made out by the several boards of assessors, and filed in the office of the comptroller of the treasury, a state school tax equal to four dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected; but if the moneys received by any township from the tax imposed by this act shall not be sufficient to maintain free schools for at least nine months in each year, then the inhabitants thereof may raise by township tax such additional amount as they may need for that purpose in the same manner as such taxes have heretofore been raised.

Additional amount may be raised by townships.

2. *And be it enacted*, That section seventy-eight of said act be and is hereby amended so as to read as follows:

Comptroller shall apportion tax among the counties.

78. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax among the several counties, in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the ratables respectively, as aforesaid, and it shall be his further duty to transmit, on or before the first day of April of each year, to the county collector of each county, a statement of the amount of said tax apportioned to and payable by said county, and said county collector shall lay said statement before the board of assessors of the townships and wards within his county at their next annual meeting, to apportion the taxes among said townships and wards, and said assessors shall thereupon proceed to apportion said school taxes as other taxes are apportioned, and to assess the same according to law.

And transmit statement.

Duties of assessors.

3. *And be it enacted*, That section eighty of said act be and is hereby amended so as to read as follows:

80. *And be it enacted*, That ten per centum of the full amount of money annually raised by virtue of the seventy-seventh section of this act shall be known as a reserve fund, and shall be apportioned among the several counties of the state, by the state board of education, equitably and justly, according to their own discretion, on or before the fifteenth day of April subsequently to the aforesaid apportionment by the comptroller of the treasury; and it shall be the duty of the state superintendent of public instruction, on or before the tenth day of January next ensuing said apportionment, to draw orders on the comptroller of the treasury, and in favor of the county collectors, for the payment of ninety per centum of the amount of school tax paid by the counties respectively; and the said county collectors shall apply for and be entitled to receive the amount of said orders as soon as the same are received; and the said superintendent shall also draw his orders in favor of the respective county collectors, for such portion of the reserve fund as shall have been apportioned to the counties respectively, as aforesaid, which orders shall be payable when the said reserve fund has been paid by the several counties; *provided*, that no portion of said moneys shall be used for the support of sectarian schools. State board of education shall apportion moneys among the counties. Proviso.

4. *And be it enacted*, That section eighty-one of said act be and is hereby amended so as to read as follows:

81. *And be it enacted*, That it shall be the duty of the county superintendent of each county to apportion annually to the districts and cities of his county, the state school moneys, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes upon the basis of the last published school census; *provided*, that all children residing in fractional districts situated in two or more adjoining townships, shall be included in the census of that township in which the fraction containing the school house is situated; *and provided* also, that no district shall receive from all state and county funds less than two hundred dollars; and that districts with forty-five children or more, shall not receive less than three hundred and fifty dollars. County superintendents shall apportion moneys among the townships, cities and districts. Proviso. Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1881.

## CHAPTER CVII.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

One director of any manufacturing company to be a resident of this state.

Proviso.

Repealer.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for more than one of the directors of any cotton, woolen, chemical or other manufacturing company organized under any law of this state, to be an actual inhabitant and resident of this state; *provided*, that every such company having only one of its directors, an actual inhabitant and resident of this state shall, in addition to the matters required by the first section of the act entitled "A supplement to an act entitled 'An act concerning corporations,' " approved April seventh, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, also at the same time and manner therein provided, designate and file in the office of the secretary of state of this state the name and place of abode of such resident director.

2. *And be it enacted*, That all acts or parts of acts so far as they conflict with this supplement are hereby repealed, and that this act shall take effect immediately.

Approved March 16, 1881.

## CHAPTER CVIII.

An Act concerning cities in this state.

Resolutions or orders concerning the issuing of scrip or bonds or con-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no motion, resolution or order concerning the issuing of water scrip or bonds, or the contro

and cognizance of the structures and property connected with the supply and distribution of water, or the supplying, sale and use of water in any city in this state, shall be of any force or effect unless the same be concurred in by the board of finance and taxation, or other board having control of the fiscal department of said city. trol of property, &c., to have no force unless concurred in by board of finance or other board.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1881.

## CHAPTER CIX.

**An Act to establish a uniform standard of weights and measures in this state.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the standard of weights and measures of the United States, now deposited in the office of the secretary of state, at Trenton, and in the offices of the clerks of the several counties of this state, shall be the standard of weights and measures of this state, and of the several counties thereof; and the said secretary of state and county clerks, and their successors in office, are hereby required to preserve and care for the same, and to keep them in proper condition for comparison with those used by the inhabitants of this state, when required by the provisions of this act. Standard of weights and measures established. Duties of secretary of state and county clerks.

2. *And be it enacted*, That in this state the bushel of barley shall consist of forty-eight pounds; of buckwheat fifty pounds; of clover seed, sixty-four pounds; of flax seed, fifty-five pounds; of Indian corn, fifty-six pounds; of amber sugarcane seed, fifty-seven pounds; of oats, thirty pounds; of rye, fifty-six pounds; of wheat, sixty pounds; of Irish potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds, and of all other articles usually sold by the bushel and not weighed, the capacity of the bushel Avoirdupois. Weight of certain articles to the bushel.

shall be two thousand one hundred and fifty and forty-two hundredths cubic inches ; of liquids, the standard gallon shall contain two hundred and thirty-one cubic inches ; the avoirdupois pound, of seven thousand grains troy, shall be the standard for all commodities usually sold by weight, except gold, silver, jewels and apothecaries' drugs, of which five thousand seven hundred and sixty grains troy shall constitute a pound ; the standard yard shall consist of three feet or thirty-six inches, and the chain for the measurement of lands shall consist of four rods or sixty-six feet.

Penalty for selling or vending wares, &c., of less weight or measure than established.

3. *And be it enacted*, That if any person or persons within this state shall wilfully vend or sell any wares or merchandize, or any commodity whatever, by any weight or measure of a less length, weight or capacity than those mentioned in this act, for the purpose of defrauding the person or persons purchasing the same, the person or persons so offending shall, on conviction thereof, forfeit and pay, for every offence, a sum not less than two nor more than five times the value of the article so illegally sold, to be recovered by action of debt, with costs, in any court having cognizance of that sum, one-half of said penalty to go to the prosecutor, and the other half to the educational fund of the township in which the offence may have been committed.

Persons may compare weights and measures with those deposited with county clerks.

Fee of county clerks.

4. *And be it enacted*, That for the protection of any person or persons against prosecution for violating this act, he, she or they shall have access to the standard weights and measures which now are or may hereafter be deposited in the clerk's office of their respective counties, for the purpose of comparing the several weights and measures by them used with those so deposited ; and the said clerks shall be entitled to receive one cent for every weight, two cents for every measure and ten cents for every scale compared, adjusted or corrected, to be paid by the person by whom application is made.

Certain act and supplements repealed.

5. *And be it enacted*, That the act entitled "An act to establish a uniform standard of weights and measures in this state, and to provide for the appointment of a state superintendent and inspector of the same," passed March twenty-fifth, one thousand eight hundred and seventy-two, and all supplements thereto, be and the same are hereby repealed.

6. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Passed March 17, 1881.



## CHAPTER CX.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, as amended by the act entitled "A supplement to an act entitled 'An act concerning executors and administrators of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four, and approved February twenty-sixth, one thousand eight hundred and seventy-nine," be and the same is hereby amended so that the said amended section shall be and read as follows:

10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given, or devised by any last will or testament, executed in due form of law to the executors therein named, or any of them, to be sold, or have been or shall be thereby ordered or directed to be sold by the executors therein named, or any of them, and one or more of said executors shall die or have died, in the lifetime of the testator, or, if living at the death of the testator, shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon himself, herself or themselves, the execution thereof shall die, or resign the executorship or remove out of this state and refuse to act, or have died, or resigned the executorship or removed out of this state and refused to act, or shall be or have been discharged or removed from office by any court of competent jurisdiction, then and in any of such cases, the trusts in said will shall vest in the other executor or executors in said will named who shall prove, or heretofore hath or have proved said last will, and in the survivor or survivors of them, unless it shall be or is otherwise expressed in said will; and it shall

Section to be amended.

Surviving executor authorized to prove will and sell or convey lands, &c.

be lawful for such acting or surviving executor or executors to sell and convey the said lands, tenements and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living or acted and joined in such sale.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

## CHAPTER CXI.

A Further Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement thereto, approved March eighth, one thousand eight hundred and seventy-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of the act to which this is a supplement, be amended so as to read as follows:

Penalty for selling or exposing for sale any reed bird or marsh hen.

10. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession, after the same has been killed, any rail bird, except in the months of September, October and November; any reed bird or marsh hen except from the twenty-fifth day of August to the first day of December, under a penalty of five dollars for each and every rail bird, marsh hen or reed bird so killed or had in possession.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

## CHAPTER CXII.

**A** Further Supplement to the act entitled "An act in relation to the court of pardons," approved January eighteenth, one thousand eight hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, after conviction, has heretofore been, or may hereafter be, sentenced to imprisonment, and has served out, or may serve out, the full term of such imprisonment, and shall apply to the court of pardons, of this state, for a pardon and a restoration of the rights and privileges forfeited by such conviction and imprisonment, such person may be heard before said court, either in person or by one counsel.

Persons may, upon application for a pardon, be heard before court in person or by counsel.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and that this shall be a public act, and take effect immediately.

Repealer.

Approved March 17, 1881.

## CHAPTER CXIII.

An Act in relation to encumbered cities.

**WHEREAS**, Some of the cities in this state are encumbered with municipal indebtedness to so great an extent that the annual interest thereon payable by such cities, together with the annual taxable charge upon the taxpayers of such cities, amounts to more than can be readily raised by taxation therein; *and whereas*, it is expedient that in such cases the governing powers of such cities and their respective muni-

Preamble.

cipal creditors should have power to arrange such settlements as shall be for the mutual interests of such cities and their creditors.

When city unable to raise and pay indebtedness, city council may issue bonds not exceeding total amount of indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any city in this state shall be unable in the judgment of the city council or other legislative body of such city to raise and pay the annual charge upon the municipal indebtedness of such city, which judgment shall be expressed by the resolution of such city council or other legislative body passed by the votes of three-fourths of the members of the same, it shall be lawful for such city council or other legislative body to issue the bonds of such city for such amounts as they may deem expedient, not exceeding the total amount of the indebtedness of such city, which bonds shall be issued by ordinance of such city council or other legislative body thereof passed by the votes of three-fourths of the members thereof, and shall be applicable for purposes of arrangement of such indebtedness with the creditors of any such city, and for no other purpose as hereinafter provided.

Bonds, how executed.

2. *And be it enacted*, That such bonds shall be executed in the manner provided for the execution of the bonds of such city by any existing law of this state, shall bear such rate of interest not exceeding the legal interest, and be payable at such time or times, and be either registered or coupon bonds as shall be determined by such city council or other legislative body by the votes of three-fourths of the members thereof.

Bonds may be exchanged for evidences of indebtedness.

3. *And be it enacted*, That it shall be lawful for such city, through the finance department of the same, to exchange such bonds when so issued for any evidences of indebtedness of such city, held by the creditors thereof, with whom such finance department may agree for that purpose, either in whole or in part, upon such terms of exchange as shall be ordered by such city council or other legislative body by a resolution of the same, passed by the votes of three-fourths of the members thereof.

Principal and interest of bonds to be raised by taxation.

4. *And be it enacted*, That the annual interest on such bonds as shall be so issued and exchanged shall be raised by taxation by the proper authorities of any such city for that purpose, together with such sum as shall be levied by such city council or other legislative body for application to the payment of

the principal thereof, if any, and such interest and sum for principal, if any, shall be raised by taxation and paid by the proper municipal authorities of any such city before the interest on any bonds or other evidences of the indebtedness of such city in existence at the time of the issue of the bonds authorized by this act.

5. *And be it enacted*, That all sums which shall be so raised by any such city for the purpose of application to the payment of the principal of such bonds shall be invested by the sinking fund commissioners or other proper officers for that purpose, and shall not be borrowed by or applied by such city for any purpose except the payment or purchase of such bonds. Money raised to be invested by sinking fund commissioners.

6. *And be it enacted*, That the city council or other legislative body of such city by the votes of three-fourths of the members thereof may arrange with any person or persons for a settlement of such indebtedness, and employ such assistance as they may deem necessary, and provide for their compensation and the necessary expenses attending the same by the issue of bonds under this act, or otherwise in their discretion. City council may make arrangements for settlement of indebtedness.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer

Approved March 17, 1881.

## CHAPTER CXIV.

An Act to afford a just compensation for work or materials, or both, furnished for municipal corporations on contracts which have been adjudged beyond the power of such corporations to make.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if heretofore any person or persons shall have entered into any written agreement with any municipal corporation of this state, for the construction of a sewer or other public work for the said municipal corpor- Compensation for work and materials for construction of sewers, &c., on contracts, may be recovered by action of law.

ation, and shall have furnished work or materials, or both, in part performance of said contract, and afterwards said contract shall, upon certiorari, have been adjudged by the supreme court of this state to have been beyond the power of said municipal corporation to make, said person or persons so having furnished work or materials, or both as aforesaid, shall be entitled to receive from said municipal corporation just compensation for all such work or materials, or both, by him or them furnished respectively, before the service upon him or them of said certiorari, and may recover the reasonable value of such work and materials, or both, in any action of law now depending, or to be brought by him or them respectively; and in said action neither the fact that said contract has not been completed, nor the fact that the same was beyond the power of said municipal corporation to make, shall be a defence.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

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## CHAPTER CXV.

A Supplement to "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Executors, &c.,  
may invest  
trust moneys.

1. *BE IT ENATED by the Senate and General Assembly of the State of New Jersey*, That any executor, administrator, guardian or trustee, whose duty it may be to loan the money entrusted to him, may invest the same on bond secured by first mortgage upon real estate estimated to be worth at the least twice the amount loaned, at a rate of interest not less than five per centum, nor greater than six per centum per annum.

2. *And be it enacted*, That whenever any testator shall have made in his lifetime any investment of money on bond secured by mortgage, or in the bonds or stock shares of any corporation, and the same bonds, mortgages or stock shares shall come, or shall have come, into the hands of the executor or trustee of such testator to be administered, and such executor or trustee may, in the exercise of good faith and a reasonable discretion, have continued such investment, or may hereafter continue the same, he shall not be accountable for any loss by reason of such continuance; *provided*, that nothing in this act contained shall apply to cases where the deed of trust, or the last will and testament of any testator, or the court having jurisdiction of the matter, specially directs in what manner the trust fund shall be invested.

When testator in lifetime has invested money, executor not held accountable for any loss, &c.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

## CHAPTER CXVI.

A Further Supplement to an act entitled "An act regulating proceedings in criminal cases."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if one of the justices of the supreme court shall not be present in any county of this state on the day when the grand jury for such county is entitled to be discharged, then the court of general quarter sessions of the peace in and for such county may receive such indictments and presentments as may be presented by said grand jury and discharge said grand jury.

In absence of justice of supreme court, court of quarter sessions may receive indictments and presentments and discharge grand jury.

2. *And be it enacted*, That such indictments so received as aforesaid as are not triable in the courts of general quarter sessions of the peace, shall be delivered by said courts to the courts of oyer and terminer and general jail delivery in their respective counties.

Indictments received and not triable, delivered to court of oyer and terminer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

## CHAPTER CXVII.

An Act to authorize the boards of chosen freeholders of the respective counties of this state, to issue bonds to raise money for state or county purposes, in anticipation of the arrearages of state or county taxation.

Boards of chosen freeholders authorized to issue bonds to raise money for arrearages of state or county taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in any county of this state there shall now exist, or hereafter shall exist, arrearages of state and county taxes, owing and unpaid to the county collector, by the different cities, towns or townships in said county, by reason of any appropriation and levy of taxes for state or county purposes, heretofore made or hereafter to be made, then it shall be lawful at any time, and from time to time, for the board of chosen freeholders of any county of this state to borrow such sum or sums of money as they may deem necessary for the payment of any floating debt of such county, or for the payment of any temporary loans based upon such arrearages, or for the payment of any state or state school tax, which may be due from such county to this state, and to cause, by resolution, the bonds of such county in the name of the board of chosen freeholders of such county, to be issued for the same in such sums each as they may deem proper; *provided*, that said board of chosen freeholders of such county shall not, in all, borrow to an amount exceeding the amount of arrearages of taxes owing to the county collector by the different cities, towns and townships in such county; and such loans shall be made and such bonds issued only in anticipation of the collection of such arrearages of taxation; *provided also*, that the first moneys realized from such bonds shall be paid into the state treasurer in payment of such state taxes as may be then due.

Proviso.

Proviso.



2. *And be it enacted*, That the bonds authorized to be issued by the first section of this act, may be either coupon or registered bonds, as the board of chosen freeholders may determine; and the same shall be made payable, both principal and interest, at the office of the county collector of such county, and said bonds shall be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, either upon bids for the same, duly advertised for, or otherwise; *provided*, the same shall in no case be sold at less than at par; the director and county collector shall sign said bonds, and the same shall be sealed with the seal of the county, and the county collector shall number and register the same, and registered bonds may be exchanged for coupon bonds, and coupon bonds exchanged for registered bonds, at the option of the holder thereof; *provided*, that the board of chosen freeholders, by resolution, shall consent to such exchange; and said bonds shall bear such interest as such board shall determine, not exceeding six per centum per annum, and said interest shall be paid semi-annually, and such bonds shall have such time to run as said board of chosen freeholders may, at the time of such issue thereof, by resolution, determine, not exceeding thirty years.

Bonds may be registered or coupon, and where made payable, &c.

Proviso.

Proviso.

3. *And be it enacted*, That the said board of chosen freeholders shall, each year, place in the tax levy for such county, for such year, so long as such bonds shall run, a sufficient sum to pay all interest on said bonds during such year; and also, a sufficient sum to pay the principal of said bonds, falling due within the year; the same to be levied and raised in the same manner as other county taxes are levied and raised.

Principal and interest of bonds to be raised by tax.

4. *And be it enacted*, That whenever bonds shall be issued by any board of chosen freeholders under the provisions of this act, it shall be the duty of said board of chosen freeholders to first apply all sums thereafter received on account of said arrearages of taxes, in anticipation of which any bonds have been issued, to the final payment of such bonds, and for no other purpose whatever, until a sufficient fund has been provided for the payment of said bonds.

Money raised by taxation to be used for payment of bonds, &c.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXVIII.

A Further Supplement to an act creating the office of comptroller of the treasury and defining the duties thereof, approved March seventeenth, one thousand eighteen hundred and sixty-five.

Mayors, common council and boards of freeholders required to transmit to comptroller statement of financial condition, &c.

What statements shall set forth.

Duty of comptroller.

Penalty for refusal or neglect to transmit statements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city and the representative authority of each town and borough in this state, to transmit to the comptroller of the treasury on or before the first day of October in each year a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, at the close of their respective fiscal years next preceding the time of making such statement; and the said statements shall set forth the amounts of the funded and floating debt, of what they are composed, the purposes for which they were contracted, the rate of interest thereon and the time when the debts fall due; the nature and condition of the sinking fund, if any; the amount of real and personal property taxable; the rate of tax levied and the amount raised, and the expenditures for the year, arranged under general heads.

2. *And be it enacted*, That it shall be the duty of the comptroller to furnish the necessary blanks to the several authorities, upon their application, for making the statements required by this act, and to lay copies of the statements received by him for each year, or abstracts thereof, before the legislature at the time of making his annual report.

3. *And be it enacted*, That if any of the said officers shall neglect or refuse to furnish or transmit the statement as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars.

4. *And be it enacted*, That an act entitled "A supplement <sup>Repealer.</sup> to an act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five, which supplement was approved March sixth, one thousand eight hundred and seventy-nine, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

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## CHAPTER CXIX.

A Supplement to the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township of this state, within thirty days after the organization of said committee in each year, to fix by ordinance the annual salary and compensation to be paid to the person who shall be appointed the treasurer thereof, and the time and manner of the payment of said compensation. <sup>Annual salary of treasurer to be fixed by ordinance within thirty days after organization of committee.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXX.

A Supplement to "An act for incorporation of companies for draining and improving meadows and lands overflowed by tide water," approved March eleventh, one thousand eight hundred and eighty.

Owners and  
possessors of  
meadow or  
swamp land  
may reclaim,  
and keep the  
same in repair,  
&c.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of three-fourths or more of any body or tract of not more than two hundred acres of meadow, swamp or low lands that have been banked in but are now exposed to the overflow of the tide, or of meadows already banked in and held by different persons who have formed themselves into a company under mutual agreement or otherwise, to bank, improve and keep the same in repair, may, to reclaim the same, or to keep the same in good repair, and for the better government thereof subject themselves to all the provisions of the before recited act; *provided always*, that this act shall not be so construed as to in any way change or affect the rights or privileges of said company aiming at the same results before granted or agreed upon by said company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXXI.

An Act to enable cities, towns and boroughs to fund floating indebtedness.

Cities, towns  
or boroughs  
authorized to  
fund floating  
indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city, town or borough of this state may, in order to fund any floating indebtedness ac-

actually existing at the date of the approval of this act, issue its bonds for any amount not exceeding in the aggregate the amount of the par value of such floating indebtedness, or to renew or replace any indebtedness actually existing, bearing such rate of interest (not above the legal rate) and payable at such times and manner, and with such provisions for the annual raising of a sinking fund therefor as the legislative body of said city, town or borough shall determine ; *provided, however*, that any bonds issued under the provisions of this act, together with bonds then existing, outstanding and unpaid shall not, in the aggregate, exceed ten per centum of the average assessed valuation of property for taxation within said city, town or borough for the next preceding five years ; and further, that said new issue of bonds, bearing not more than legal rate of interest, shall not be sold at less than par value. Provide.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 18, 1881.

## CHAPTER CXXII.

A Further Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers, and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued or hereafter to be legally issued by any board of commissioners within any village or township by virtue of the provisions of the act to which this is a further supplement, or by virtue of the supplement thereto, approved March fourteenth, one thousand eight hundred and seventy-nine, shall hereafter become due, it shall be lawful for the Board of commissioners authorized to issue bonds for the redemption of those becoming due.

said board of commissioners, for the time being, to renew three-fourths of such indebtedness, or any less part thereof, by the issuing of bonds for that purpose, in the name of such board of commissioners, pledging for the redemption thereof the faith and credit of such board of commissioners, which bonds shall bear interest at a rate not exceeding six per centum per annum, and be made payable at such periods of time as the said board of commissioners may determine, not exceeding thirty years from the date of issuing the same, but so issued that an equal portion of the same shall become due and payable in each year after ten years from the date of said bonds, which bonds may be sold at public or private sale for the best price that can be obtained for the same, but in no case at less than their par value; said bonds shall be issued under the seal of said board of commissioners and be signed by the president, or other head officer, and the treasurer of said board of commissioners, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners, and the bonds provided for by this act, as well as the bonds provided by the act to which this is a supplement, and by the aforesaid supplement thereto, and the interest thereon shall be paid by assessment and taxation as provided for by the ninth and fourteenth sections of said act to which this is a supplement; *provided*, that in cases where a part of the bonds falling due shall be renewed, as authorized by this act, the said board of commissioners shall also extend the time of payment of the same proportion of the installment of the direct assessments for benefits, payable in the same year, so that the said assessments shall be payable in the same proportions and at the same periods as the bonds issued under this act, and the said board of commissioners shall raise by general taxation, as provided in said act, each year, only such sum as will be necessary to pay the bonds and interest or debt contracted for such improvement, falling due in each year in excess of the amounts to be paid, by direct assessment upon the lands specially benefitted.

Interest, &amp;c.

Bonds, how sold.

Bonds issued to be a lien on real estate.

Principal and interest to be paid by assessment and taxation.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXXIII.

An Act to amend an act entitled "An act to authorize railroad corporations to surrender their franchises and to dispose of their property," approved March tenth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered one of said act be and the same is hereby amended so that the same shall read as follows, viz.:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the holders of a majority of the capital stock of any railroad corporation which has no bonded indebtedness, and which does not receive for the operation of its road moneys sufficient to meet and satisfy its expenses or which has not commenced or fully completed the construction of its railroad, shall deem it best to surrender the corporate rights, powers, privileges and franchises of and to dissolve such corporation, it shall be lawful for such corporation to make such surrender by filing in the office of the secretary of state of this state, a certificate under the corporate seal of said corporation, and attested by the president and secretary thereof, setting forth that the holders of a majority of the capital stock had deemed it best to surrender the corporate rights, powers, privileges and franchises of said corporation, and upon filing such certificate as aforesaid, the said corporation shall *ipso facto* be dissolved, and it shall be the duty of the treasurer of this state upon the production of a copy of such certificate duly certified under the seal of the secretary of state, to refund and pay to such corporation or the treasurer thereof, any moneys required by law to be deposited, and deposited by said corporation with the treasurer of this state before or at the time of the filing of the articles of association of said corporation; *provided*, that such payment shall not be made until an affidavit shall have been filed

Section amended.

Majority of holders of stock may surrender corporate rights and dissolve corporation.

Certificate to be filed in office of secretary of state.

Treasurer of state to refund and pay money deposited with him.

Proviso.

with the treasurer of this state, made and signed by the president, secretary and treasurer of said corporation, setting forth that all the indebtedness of the said corporation has been fully paid and discharged.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

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## CHAPTER CXXIV.

Supplement to an act to establish a state industrial school for girls, approved April fourth, one thousand eight hundred and seventy-one.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixteen of the act to which this is a supplement, be amended so as to read as follows :

Justice of supreme court or president law judge may institute summary examination and commit, by warrant, to industrial school.

16. *And be it enacted*, That in case any girl under the age of sixteen years shall have been sentenced after conviction in any county court to imprisonment in the jail thereof, or in the state prison, it shall be lawful for any justice of the supreme court or president law judge of the court of common pleas of all counties which now have or may hereafter have such office, on complaint of any citizen to institute a summary examination, and if he shall be satisfied that she is a suitable subject for the industrial school, he may commit her by warrant as in other cases provided.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 18, 1881.



## CHAPTER CXXV.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any mortgagee or holder of any mortgage upon the real estate of any testator or intestate shall file a claim upon the debt secured by said mortgage with the executor or administrator of said testator or intestate, and it shall appear to the orphans' court to be necessary to sell the lands and premises encumbered by said mortgage, for the payment of the debts of said testator or intestate the said court shall have power to order the said lands and premises sold free and clear of the encumbrance of said mortgage; *provided*, the said court shall at the time of making the order to sell, also order that the moneys arising from such sale be first applied to the payment of the said mortgage debt, and the balance after paying the same to be assets in the hands of said executor or administrator.

2. *And be it enacted*, That where the proceeds of said sale shall be insufficient to pay the said mortgage debt in full, the said mortgagee or holder of mortgage shall be entitled to be paid out of the other assets in the hands of said executor or administrator, the balance only of his claim pro rata with the other creditors.

3. *And be it enacted*, That this act shall apply to estates now in process of settlement where claims upon mortgage debts have been or shall be filed therein, and shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXXVI.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the supplement of the act to which this is a supplement, which was approved March fourteenth, one thousand eight hundred and seventy-nine, be amended so as to read as follows :

Officers of na-  
tional guard.

4. *And be it enacted*, That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief, his staff shall be as follows: one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general; the quartermaster general shall be commissary general, paymaster general and chief of ordnance: one surgeon general, with the rank of brigadier general; one inspector general with the rank of brigadier general; one inspector general of rifle practice, with the rank of brigadier general; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; four aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; there shall be a major general of division; his staff shall be as follows: one assistant adjutant general, with the rank of colonel; one inspector, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster, with the rank of lieutenant colonel; one judge advocate, with the rank of lieutenant colonel; three aides-de-camp, each with the rank of major; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel;

one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel and one major; to each battalion, there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon with the rank of first lieutenant; one chaplain, with the rank of captain; one judge advocate, with the rank of captain; one inspector of rifle practice, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one principal musician, one color sergeant, and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants, and not less than fifty or more than one hundred and fifty enlisted men, from from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians.

2. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission one deputy adjutant general, with the rank of lieutenant colonel; he shall perform such duties as may from time to time be prescribed by the adjutant general. Governor authorized to appoint and commission a deputy adjutant general.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

## CHAPTER CXXVII.

A Further Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five."

Certificate of  
agents of life  
insurance com-  
panies not to  
exceed two dol-  
lars

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no insurance company of another state or nation, transacting business in this state, issuing policies of life insurance upon which the premiums shall by the terms thereof be payable weekly, shall be required to pay any other charge for agents appointed by or acting for them in the business connected with the application for and the issuance of such policies and the collection of the said weekly premiums, than the sum of two dollars for each certificate of authority to such agents; *provided*, that nothing herein contained shall alter or repeal the reciprocal provisions of the act to which this is a supplement and the supplements thereto.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 21, 1881.

## CHAPTER CXXVIII.

An Act to authorize certain townships of this state to issue bonds.

Township  
committees au-  
thorized to  
issue new  
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the bonds of any township of this state shall have been heretofore issued

by the officers or commissioners thereof, under or by virtue of the provisions of the act entitled "An act to authorize certain townships, towns and cities to issue bonds and to take the bonds of the Montclair Railway Company," approved April ninth, one thousand eight hundred and sixty-eight, and the said bonds or any part thereof are still outstanding and unpaid, or have been either wholly or in part compromised or paid by the issue of new bonds of said township, it shall be lawful for the township committee of such township to issue other new bonds of said township under the common seal of said township and signed by the chairman of said township committee, and countersigned by the treasurer of said committee, of such date, of such amounts, and payable at such times as shall seem expedient to them, in the corporate name and pledging the faith and revenues of such township for the payment thereof, with coupons for the interest thereon annexed thereto; which bonds shall be numbered by the treasurer of the township committee, and registered in a book to be kept by him for that purpose; said bonds shall bear interest at a rate not to exceed five per cent. per annum, and shall be sold by the township committee of such township at not less than par, and the proceeds of such sales shall be applied to pay off and take up such of the original bonds issued under the provisions of the aforesaid act, or of any new bonds issued in payment or compromise thereof, and for no other purpose, as the holders thereof may be willing to accept payment of; and any bonds issued pursuant to the terms of this act shall not be liable to be assessed for or on account of any township, county, state or municipal taxes, in the hands of any person resident in this state; and the township committee of such township are hereby authorized and required to cause such sums of money to be annually assessed, levied and collected upon the taxable property of said township, as shall be sufficient to pay such portions of the principal and interest of the bonds issued by virtue of the provisions of this act as shall become due and payable in each year, which assessment, levy and collection shall be made at the same time and in the same manner as the ordinary taxes of such township are assessed, levied and collected, and when collected shall be applied to the payment of the principal and interest of said bonds.

Bonds to be numbered and registered, and how sold.

Proceeds of sale of bonds—how applied.

Bonds issued not liable to taxation.

Principal and interest of bonds to be assessed, levied and collected.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1881.

## CHAPTER CXXIX.

An Act to reapportion the several assembly districts of the State of New Jersey.

Number of districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts, equal in number to the number of members of the general assembly that said counties are entitled to elect respectively, that is to say :

Atlantic.

The county of Atlantic shall constitute one assembly district.

Bergen.

2. *And be it enacted*, That the county of Bergen shall constitute two districts :

First district.

The first district to be composed of the townships of New Barbadoes, Ridgefield, Englewood, Palisade, Harrington and Washington ;

Second district.

The second district to be composed of the townships of Union, Lodi, Saddle River, Midland, Ridgewood, Franklin and Hohokus.

Burlington.

3. *And be it enacted*, That the county of Burlington shall constitute three districts :

First district.

The first district to be composed of the townships of Bordentown, Chesterfield, Easthampton, Florence, Mansfield, New Hanover, Pemberton and Springfield ;

Second district.

The second district to be composed of Burlington, Beverly city, Beverly township, Chester, Cinnaminson, Delran, Mount Laurel and Willingborough ;

Third district.

The third district to be composed of the townships of Bass River, Evesham, Little Egg Harbor, Lumberton, Medford,

Northampton, Randolph, Shamong, Southampton, Washington, Westhampton and Woodland.

4. *And be it enacted*, That the county of Camden shall constitute three districts: Camden.

The first district to be composed of the first, second, third and fourth wards of the city of Camden; First district.

The second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden, and the township of Stockton; Second district.

The third district to be composed of the borough of Merchantville, Gloucester city, and the townships of Delaware, Centre, Haddon, Gloucester, Waterford and Winslow. Third district.

5. *And be it enacted*, That the county of Cape May shall constitute one assembly district. Cape May.

6. *And be it enacted*, That the county of Cumberland shall constitute two districts: Cumberland.

The first district to be composed of the first, second and third wards of the city of Bridgeton, and the townships of Commercial, Fairfield, Downe, Hopewell, Stoe Creek and Greenwich; First district.

The second district to be composed of the first, second and third wards of the city of Millville, and the townships of Maurice River, Landis and Deerfield. Second district.

7. *And be it enacted*, That the county of Essex shall constitute ten assembly districts, to be composed as follows: Essex.

The first district to be composed of the townships of Caldwell, Montclair, Bloomfield, Belleville and Franklin; First district.

The second district to be composed of the entire city of Orange, including the first, second and third wards thereof, and the township of East Orange; Second district.

The third district to be composed of the townships of Livingston, West Orange, South Orange, Millburn, Clinton, and the fourteenth ward of the city of Newark; Third district.

The fourth district to be composed of the eighth and eleventh wards of the city of Newark; Fourth district.

The fifth district to be composed of the first, fourth and fifteenth wards of the city of Newark. Fifth district.

The sixth district to be composed of the second and third wards of the city of Newark, and so much of the seventh ward in the city of Newark as lies within the following boundaries, to wit: Beginning at the intersection of the centre line of Bank and Norfolk streets; thence along the centre Sixth district.

line of Bank street to the centre line of High street thence along the centre line of High street to the centre line of Warren street; thence along the centre line of Warren street to the centre line of Norfolk street; thence along the centre line of Norfolk street to the place of beginning, being the territory now known as the first election district of the seventh ward of the city of Newark;

Seventh district.

The seventh district to be composed of the sixth ward of the city of Newark, and so much of the seventh ward of the city of Newark as lies within the following boundaries, to wit: Beginning at the intersection of the centre lines of Norfolk and Bank streets; thence through the centre of Norfolk street to Warren street; thence through the centre of Warren street to High street; thence through the centre of High street to Central avenue; thence along the division line between the seventh and fifteenth wards to the boundary line of the eleventh ward in the centre of Morris avenue; thence along the centre of Morris avenue and the division line between the seventh and eleventh wards to the middle of Bank street; thence through the middle of Bank street, on the division line between the seventh and sixth wards to the place of beginning, being the territory now known as the second and third election districts of the seventh ward of the city of Newark;

Eighth district.

The eighth district to be composed of the thirteenth ward of the city of Newark;

Ninth district.

The ninth district to be composed of the ninth and tenth wards of the city of Newark;

Tenth district.

The tenth district to be composed of the fifth and twelfth wards of the city of Newark.

Gloucester.

8. *And be it enacted*, That the county of Gloucester shall constitute one assembly district.

Hudson.

9. *And be it enacted*, That the county of Hudson shall constitute ten districts;

First district.

The first district, beginning at the centre of the Hudson river where it is intersected by the continuation of the centre line of Sussex street in Jersey city; thence westerly along the said centre line of Sussex street to where the same intersects the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to where it is intersected by the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Bright street; thence westerly along the centre line of Bright street to the



centre line of Varick street; thence northerly along the centre line of Varick street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Jersey avenue; thence northerly along the centre line of Jersey avenue to the centre line of Newark avenue; thence easterly along the centre of Newark avenue to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Pearl street; thence easterly along the centre line of Pearl street to the centre line of the Hudson river; thence southerly along the centre of the Hudson river to the place of beginning;

The second district, beginning at the centre of the Hudson Second district. river, where it is intersected by the centre line of said Sussex street continued; thence westerly along said centre line of Sussex street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Bright street; thence westerly along the centre line of Bright street to the centre line of Varick street; thence northerly along the centre lines of Varick street and Coles street to the centre line of First street; thence westerly along the centre line of First street to the centre line of Monmouth street; thence northerly along the centre line of Monmouth street to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southwesterly along the centre line of Waldo avenue to the centre line of Academy street; thence easterly along the centre line of Academy street to the centre line of Cornelison avenue; thence southerly along the centre line of Cornelison avenue to the centre line of Summit avenue; thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Maple street; thence southeasterly along the centre line of Maple street [to] the centre line of Halladay street; thence northeasterly along the centre line of Halladay street to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Whiton street; thence southwesterly along the centre line of

Whiton street to the centre line of Johnston avenue; thence southeasterly and easterly along the centre line of Johnston avenue to the centre line of Jersey avenue; thence southerly along the centre line of Jersey avenue extended, to the centre line of Communipaw avenue extended; thence southeasterly along the centre line of Communipaw avenue extended, to the centre of the Hudson river; thence north along the centre of the Hudson river to the place of beginning;

Third district.

The third district beginning at the intersection of the centre lines of Newark avenue and Grove street, in Jersey City; thence running northerly along the centre line of Grove street to the centre line of First street; thence easterly along the centre line of First street to the centre line of Henderson street; thence northerly along the centre line of Henderson street to the centre line of Sixth street; thence westerly along the centre line of Sixth street to the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Erie street; thence northerly along the centre line of Erie street to the centre line of Ninth street; thence westerly along the centre line of Ninth street to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence southeasterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of First street; thence easterly along the centre line of First street to the centre line of Coles street; thence southerly along the centre line of Coles street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Jersey avenue; thence northerly along the centre line of Jersey avenue to the centre line of Newark avenue; thence southeasterly along the centre line of Newark avenue to the place of beginning.

Fourth district.

The fourth district beginning at the intersection of the centre lines of Pen Horn creek and Manhattan avenue in Jersey City; and running thence easterly along the centre line of Manhattan avenue to the centre line of Central avenue; thence southerly along the centre line of Central avenue to the centre line of Jefferson avenue; thence easterly along the centre line of Jefferson avenue to where that line extended would

strike the central line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the westerly boundary line of the city of Hoboken; thence northerly, northeasterly, westerly and southerly along the several boundary lines of the city of Jersey City, to the place of beginning;

The fifth district beginning at the point where the centre line of Newark avenue intersects the westerly boundary line of Jersey City; thence easterly along the centre line of Newark avenue to the intersection of the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the centre line of Palisade avenue; thence southwesterly along the centre line of Palisade avenue to the centre line of Newark avenue; thence southerly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southwesterly along the centre line of Waldo avenue to the centre line of Academy street; thence easterly along the centre line of Academy street to the centre line of Cornelison avenue; thence southerly along the centre line of Cornelison avenue to the centre line of Summit avenue; thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to its intersection with the westerly boundary line of Jersey City; thence northerly along said westerly boundary line to the place of beginning;

The sixth district, beginning at the easterly boundary line of Jersey City, where it is intersected by the centre line of Communipaw avenue continued; then running northwesterly along the centre line of Communipaw avenue to the centre line of Jersey avenue continued; thence northeasterly along the centre line of Jersey avenue to the centre line of Johnston avenue; thence westerly and northwesterly along the centre line of Johnston avenue to the centre line of Whiton street; thence northeasterly along the centre line of Whiton street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Halladay street; thence southwesterly along the centre line of Halladay street to the centre line of Maple street; thence northwesterly along the centre line of Maple street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence northwesterly along the centre line of Communipaw avenue

to the westerly boundary line of Jersey City ; thence southerly along said westerly boundary line to the southerly boundary line of said city ; thence along said southerly boundary line to the easterly boundary line of said city ; thence along said easterly boundary line to the place of beginning ; and, also, so much of said county of Hudson as is comprised within the limits of the city of Bayonne ;

Seventh district.

The seventh district, beginning at the centre of the Hudson river, where it is intersected by the continuation of the centre line of Pearl street in Jersey City ; thence westerly along said centre line of Pearl street to the centre line of Railroad avenue ; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue ; thence westerly along the centre line of Newark avenue to the centre line of Grove street ; thence northerly along the centre line of Grove street to the centre line of First street ; thence easterly along the centre line of First street to the centre line of Henderson street ; thence northerly along the centre line of Henderson street to the centre line of Sixth street ; thence westerly along the centre line of Sixth street to the centre line of Grove street ; thence northerly along the centre line of Grove street to the centre line of Pavonia avenue ; thence westerly along the centre line of Pavonia avenue to the centre line of Erie street ; thence northerly along the centre line of Erie street to the centre line of Ninth street ; thence westerly along the centre line of Ninth street to the centre line of Jersey avenue ; thence northerly along the centre line of Jersey avenue to the centre line of Hoboken avenue ; thence easterly along the centre line of Hoboken avenue to the intersection of the centre line of Hoboken avenue with the southwesterly boundary line of Hoboken ; thence northerly and northeasterly along the westerly boundary line of the city of Hoboken, to the centre line of Seventh street in the city of Hoboken ; thence easterly along the centre line of said Seventh street to a point in said centre line equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of said Seventh street ; thence southwesterly and in a straight line midway between Park avenue and Garden street to a point in the centre line of Ferry street, equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Ferry street ; thence easterly along the centre line of Ferry street to where the continuation of the same would intersect the

centre line of the Hudson river ; thence southerly along the centre line of said river to the place of beginning ;

The eighth district beginning at the intersection in Jersey Eighth district. City of the centre lines of Ninth street and Jersey avenue ; and running thence westerly along the centre line of Ninth street to the centre line of Brunswick street ; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue ; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue ; thence northeasterly along the centre line of Palisade avenue to the centre line of Hoboken avenue ; thence westerly along the centre line of Hoboken avenue to the centre line of Newark avenue ; thence westerly along the centre line of Newark avenue to the westerly boundary of Jersey City ; thence northerly along said boundary line to its intersection with the centre line of Manhattan avenue ; thence easterly along the centre line of Manhattan avenue to the centre line of Central avenue ; thence southerly along the centre line of Central avenue to the centre line of Jefferson avenue ; thence easterly along the centre line of Jefferson avenue to where the same extended, would strike the centre line of Hoboken avenue ; thence easterly along the centre line of Hoboken avenue to the centre line of Jersey avenue ; thence southerly along the centre line of Jersey avenue to the place of beginning ; and also so much of said county of Hudson as is now comprised within the limits of Kearny township and the town of Harrison ;

The ninth district, beginning at a point in the centre of the Ninth district. Hudson river, where it is intersected by the continuation of the centre line of Ferry street of Hoboken ; thence westerly along the said centre line of Ferry street to a point in the centre line of said street equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Ferry street ; and thence northeasterly, and in a straight line, midway between Park avenue and Garden street, to a point in the centre line of Seventh street, equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Seventh street ; thence westerly along the centre line of Seventh street to its intersection with the westerly boundary line of the city of Hoboken ; thence northerly along the said westerly boundary to the northerly boundary line of said city ; thence along the said northerly

boundary line to the easterly boundary line of said city; thence along said easterly boundary line to the place of beginning;

**Tenth district.** The tenth district shall comprise all that part of the county of Hudson now included within the limits of the townships of Weehawken, North Bergen and Union, and the towns of West Hoboken, Guttenberg and Union.

**Hunterdon.** 10. *And be it enacted,* That the county of Hunterdon shall constitute two assembly districts:

**First district.** The first district to be composed of the townships of West Amwell, East Amwell, Delaware, Kingwood and Raritan, and the borough of Frenchtown, and the first, second and third wards of the city of Lambertville;

**Second district.** The second district to be composed of the townships of Alexandria, Holland, Bethlehem, Lebanon, Tewksbury, High Bridge, Union, Clinton, Readington and Franklin, and Clinton borough.

**Mercer.** 11. *And be it enacted,* That the county of Mercer shall constitute three districts:

**First district.** The first district to be composed of the townships of Ewing, Hopewell, Lawrence, Princeton, West Windsor, East Windsor, Hamilton and Washington;

**Second district.** The second district to be composed of the first, second, fifth, and seventh wards of the city of Trenton;

**Third district.** The third district to be composed of the third, fourth and sixth wards of the city of Trenton and the borough of Chambersburg.

**Middlesex.** 12. *And be it enacted,* That the county of Middlesex shall constitute three districts:

**First district.** The first district to be composed of the townships of Raritan and Piscataway, Woodbridge and the city of Perth Amboy;

**Second district.** The second district to be composed of the first, third and sixth wards of the city of New Brunswick, and the townships of East Brunswick, Madison, Sayreville and South Amboy;

**Third district.** The third district to be composed of the second, fourth and fifth wards of the city of New Brunswick, and the townships of North Brunswick, South Brunswick, Cranbury and Monroe.

**Monmouth.** 13. *And be it enacted,* That the county of Monmouth shall constitute three districts:

**First district.** The first district to be composed of the townships [of] Upper Freehold, Millstone, Manalapan, Freehold and Howell;

The second district to be composed of the townships of <sup>Second district.</sup> Marlboro, Neptune, Atlantic, Ocean, Matawan, Wall and Holmdel ;

The third district to be composed of the townships of <sup>Third district.</sup> Shrewsbury, Middletown, Raritan and Eatontown.

14. *And be it enacted*, That the county of Morris shall <sup>Morris.</sup> constitute three districts :

The first district to be composed of the townships of Chat- <sup>First district.</sup> ham, Hanover, Morris and Montville ;

The second district to be composed of the townships of <sup>Second district.</sup> Boonton, Jefferson, Pequannock, Rockaway, Mount Olive and Roxbury ;

The third district to be composed of the townships of Ches- <sup>Third district.</sup> ter, Mendham, Passaic, Randolph and Washington.

15. *And be it enacted*, That the county of Ocean shall <sup>Ocean.</sup> constitute one assembly district, to be composed of the several townships therein.

16. *And be it enacted*, That the county of Passaic shall <sup>Passaic.</sup> constitute four districts :

The first district to be composed of the townships of West <sup>First district.</sup> Milford, Pompton, Wayne, Manchester and Little Falls, and the first ward of the city of Paterson ;

The second district to be composed of the second, third and <sup>Second district.</sup> sixth wards of the city of Paterson ;

The third district to be composed of the fourth and fifth <sup>Third district.</sup> wards of the city of Paterson, and the township of Acquack-anock and the city of Passaic ;

The fourth district to be composed of the seventh and eighth <sup>Fourth district.</sup> wards of the city of Paterson.

17. *And be it enacted*, That the county of Salem shall con- <sup>Salem.</sup> stitute one assembly district.

18. *And be it enacted*, That the county of Somerset shall <sup>Somerset.</sup> constitute one assembly district.

19. *And be it enacted*, That the county of Sussex shall con- <sup>Sussex.</sup> stitute one assembly district.

20. *And be it enacted*, That the county of Union shall con- <sup>Union.</sup> stitute three assembly districts :

The first district to be composed of the first, second, third <sup>First district.</sup> fourth and eighth wards of the city of Elizabeth ;

The second district to be composed of the fifth, sixth and <sup>Second district.</sup> seventh wards of the city of Elizabeth and the townships of Cranford, Linden, Springfield, Union, New Providence and Summit ;



**Third district.** The third district to be composed of the first, second, third and fourth wards of the city of Rahway, and the townships of Clark, Fanwood, Westfield, and the city of Plainfield.

**Warren.** 21. *And be it enacted,* That the county of Warren shall constitute two assembly districts :

**First district.** The first district to be composed of the townships of Greenwich, Franklin, Washington, Mansfield, Independence, Allamuchy, Frelinghuysen and the second voting precinct of Oxford township and the boroughs of Hackettstown and Washington ;

**Second district.** The second district to be composed of the townships of Pahaquarry, Hardwick, Blairstown, Knowlton, Hope, Harmony, Lopatcong, and the first voting district in the township of Oxford, and the borough of Belvidere, and the first, second, third and fourth wards of the town of Phillipsburg.

Passed March 21, 1881.

## CHAPTER CXXX.

A Supplement to the act entitled "An act concerning cities in this state," approved March sixteenth, one thousand eight hundred and eighty-one.

No motion, resolution or order concerning the issuing of bonds or control and supply of water, &c., shall require the concurrence of board of finance and taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That no motion, resolution or order concerning the issuing of bonds, or the control, management and cognizance of the structures and property connected with the supply and distribution of water, or the supplying, sale and use of water in any city in this state, shall require the concurrence of any board of finance and taxation, or other board having control of the fiscal department of said city, in any city where there exists a board, or commissioners, created for the sole purpose of managing and operating water works.

Repealer.

2. *And be it enacted,* That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this shall be a public act, and take effect immediately.

Approved March 21, 1881.



## CHAPTER CXXXI.

Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and twenty-seven of the act to which this is amendatory be and the same is hereby amended to read and be in the following words, to wit : Section amended.

127. *And be it enacted*, That whosoever shall unlawfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, or fined not exceeding one hundred dollars. Penalty for unlawfully and maliciously damaging or injuring real or personal property.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 21, 1881.

## CHAPTER CXXXII.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of a supplement to an act to incorporate the chosen freeholders of this state, approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows:

Chosen free-  
holders to sub-  
scribe an offi-  
cial oath.

3. *And be it enacted*, That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially and justly perform all the duties of their office to the best of their understanding and ability; which oath shall be taken before the presiding judge of the court of common pleas in said county, or the director or clerk of the former board, and filed in the office of the county clerk.

Oath to be filed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1881.

## CHAPTER CXXXIII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Rents, issues,  
&c., of ceme-  
tery companies  
may be taken  
and seques-  
tered and ap-  
plied to pay-  
ment of judg-  
ments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rents, issues, profits, income and revenues derived from any and all lands lying within the bounds of any cemetery or burying ground belonging to, or used by, or held in trust for, any incorporated cemetery company in this state, may be taken and sequestered under and by virtue of the orders and decrees of the court of chancery of this state, according to the rules and practice of that court, and applied by said court of chancery to the payment of any judgment recovered in any of the courts of this state against such cemetery company owning or using said lands; and that

for that purpose the said court of chancery may, if necessary, Court of chancery may appoint receiver. appoint a receiver or receivers of the said rents, issues, profits, income and revenues, (and take such order regarding the same as may be just and equitable,) but nothing in this act contained shall make the said lands liable to be seized, taken or sold, by virtue of any judgment, decree, order, execution or other process made or rendered by, or issued out of, any court in this state.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 21, 1881.

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## CHAPTER CXXXIV.

### An Act concerning commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated city of this state where the time for the annual meeting of the commissioners of appeal in case of taxation is now provided for by charter, the city council of such city shall have power to change, by ordinance, the time of meeting of said board to such date as they may deem proper. Time of meeting of commissioners of appeal may be changed by ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXXXV.

## An Act relating to local boards of health.

Local boards of health may expend certain amount.

Additional sum may be appropriated and expended.

Boards of health now organized may organize their boards under the provisions of a certain act.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all township or local boards of health in this state, organized under the provisions of an act passed March eleventh, one thousand eight hundred and eighty, entitled "An act concerning the protection of the public health, and the record of vital facts and statistics relating thereto," may expend, for the purposes for which said boards are authorized, to the amount of fifty dollars as actual expenditure, not including any payment to members for attendance at the meetings of said boards, and the same shall be payable in the same manner as other bills presented to the collector, treasurer or other disbursing officer of the township, town or precinct; and in case any additional sum is, in the judgment of such board, needed to be expended in any township, town or precinct, the need thereof shall be presented to the township committee, common council or other governing board, and they shall have authority to appropriate such an amount, or pay such bills, as they may deem necessary for the purposes indicated in the act aforesaid.

2. *And be it enacted*, That any boards of health now organized in any of the cities of this state, under the provisions of their respective charters, as well as those which are only health committees, may, by the order and direction of the mayor and common council of said cities, organize their boards in accord with the provisions of the act aforesaid, and shall, in common with the boards of health of the several townships, towns or boroughs of this state, have power to make and enforce such ordinances as the care of the public health demands.

Approved March 22, 1881.

## CHAPTER CXXXVI.

A Further Supplement to an act entitled "An act to amend the law relative to the property of married women," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman whose husband's real estate, or any part thereof, may have been or shall be sold and conveyed under or by virtue of any judgment or decree, or by virtue of any deed, release or assignment executed by the husband in which the wife has not or shall not join in the execution thereof, may, without her husband joining with her in the execution thereof, execute and deliver a release of such real estate, so sold, from her inchoate right of dower therein, and thereby discharge such real estate, so sold, from such inchoate right of dower, as effectually as she might if her husband should join with her in the execution of such release.

Married woman may execute and release right of dower without consent of husband.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXXXVII.

An Act in relation to the arrears of taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any of the cities of this state taxes shall remain unpaid for the period of one year after the same shall become due and payable, said taxes may be

Taxes unpaid for one year may be paid in bonds issued in anticipation of taxes.

Proviso.

paid in any of the municipal bonds of said city which may have been issued in anticipation of taxes; *provided*, that the bonds issued by any city in anticipation of the collection of the amount of unpaid taxes for which the city had purchased real estate at the sale for said unpaid taxes, shall only be received by any city in lieu of money payments for the taxes so purchased by any city and in anticipation of which said bonds had been issued.

Bonds to be received at their face or par value.

2. *And be it enacted*, That such bonds shall be received by said city, in lieu of money payments, for said taxes at the par or face value, with the interest accrued thereon.

3. *And be it enacted*, That this shall be deemed to be a public act and shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXXXVIII.

Supplement to an act entitled "An act to protect the honey industry," approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to protect the honey industry," approved March fourteenth, one thousand eight hundred and seventy-nine, shall be amended so as to read :

Penalty imposed and how sued for.

2. *And be it enacted*, That every person who shall knowingly sell, or offer to sell, or have in his or her possession, with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be branded, marked or labeled as herein stated, not so branded, marked or labeled, shall for each such offence forfeit and pay a penalty of thirty dollars upon the first suit, and fifty dollars upon the second and each subsequent suit, for such offence, to be recovered with costs in any of the courts of this state, in an action of debt to be prosecuted in

the name of the state of New Jersey, one-half of such penalty to be paid to the informer, and the residue shall be paid to the collector of the county in which such suit shall be brought, for the support of the poor of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXXXIX.

An Act to encourage the organization and regulate co-operative associations of workmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That seven or more persons, of lawful age, resident within this state, who shall hereafter associate themselves together by articles of association, in writing, for the purpose of carrying on any lawful mechanical, mining, manufacturing or trading business, or for the purpose of trading and dealing in goods, wares, merchandise or chattels, or for the purpose of buying, selling, holding, leasing or improving lands or tenements within this state, may become a corporation under a name indicating their corporate character assumed in their articles of association not previously adopted by any other corporation, upon their compliance with the provisions of this act. Purposes for which associations may be formed.

2. *And be it enacted*, That the articles of association shall designate and set forth: Articles to set forth.

First. The object, name and place of office of the association; Object, &c.

Second. The amount of its capital stock, and the number of shares into which the same is divided, and the amount actually paid in cash on account of said stock; Capital stock.

Third. The terms of admission of members; Admission of members.

Fourth. The mode of election of its directors, and other officers, and their respective powers and remuneration; Election of directors.

Meetings.

Fifth. Mode of holding meetings and right of voting and of making and altering its articles of association ;

Shares.

Sixth. Whether the shares, or any number of them, shall be transferable, and in case it be determined that the shares or any number thereof shall be transferable, provision for the transfer and registration of shares, and for the consent of the board of directors to the transfer ; and in case it be determined that the shares shall not be transferable provision for paying to members the balance due to them on withdrawing from the association ;

Withdrawal of members.

Seventh. Whether and how members may withdraw from the association, and provision for the claims of executors, administrators or assigns of members, and for paying nominees in the case herein mentioned ;

Whether capital may be invested.

Eighth. Whether, and by what authority, any part of capital may be invested in, or on the security of another association ; it is important that each co-operative store should become a member of, and hold a pecuniary interest in the wholesale store which will probably be in New York ; *provided*, that no such investment be authorized in any association not incorporated under this act ;

Proviso.

Accounts.

Ninth. Provision for the audit of accounts ;

Profits.

Tenth. Mode of application of profits ;

Seal.

Eleventh. Provision for the custody, use and device of the seal of the association, which shall in all cases bear the incorporated name thereon.

Articles of association to be acknowledged.

3. *And be it enacted*, That the said articles of association shall be signed by the persons originally associating themselves together, and shall be acknowledged by at least seven of them, before a commissioner or other officer qualified to take the acknowledgment of deeds, and when so signed and acknowledged the same, together with a copy thereof, shall be forwarded to the chief of the bureau of statistics of labor and industries, who shall examine the same, and if the same shall be found to be in accordance with the provisions of this act he shall endorse or certify his approval thereon, and shall return the same to the persons so associating themselves, and shall place on file in his office the said copy of the said articles of association ; the same shall be recorded in the office for the recording of deeds in the county where such association is established and incorporated, and be subject to the provisions and entitled to the privileges of this act.

Duties of chief of bureau of labor statistics.

Articles to be filed in his office.

Recorded in county clerk's office.



4. *And be it enacted*, That such association may take hold and convey such real and personal estate as is necessary for the purpose of its organization, and may sue and be sued in its corporate name.

Association may hold and convey real and personal estate.

5. *And be it enacted*, That the business of such association shall be managed and conducted by a board of not less than five directors, one of whom shall be president, and one shall be treasurer of the association, who shall be chosen annually by the stockholders, and shall hold their offices until their successors are duly qualified; the association shall have such other officers, agents and factors as may be necessary to carry on its business, and elect or appoint them in such manner as shall be prescribed in the articles of association.

Business of association, by whom managed and conducted.

6. *And be it enacted*, That every association incorporated under this act shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and if any such association shall not paint or affix, and keep painted or affixed, its name in manner provided as aforesaid, it shall be liable to a penalty not exceeding twenty-five dollars, for not so painting or affixing its name, and for every day during which such name is not kept so painted or affixed.

Name of association to be painted or affixed outside of office or place of business.

Penalty for failure.

7. *And be it enacted*, That every association incorporated under this act shall keep a seal, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such association, and in all bills of exchange, promissory notes, endorsements, checks, and orders for money or goods purporting to be signed by or on behalf of such association, and in all bills of parcels, invoices, receipts and letters of credit of the association, and if any officer of such association, or any person on its behalf uses any seal purporting to be the seal of the association, whereon its name is not engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such association, or signs or authorizes to be signed on behalf of such association, any bill of exchange, promissory note, endorsement, check, order for money or goods, or issues or authorizes to be issued, any bill of parcels, invoice, receipt, or letter of credit of the association, whereon its name is not mentioned in manner aforesaid, he shall be liable to a penalty of two hundred dollars, and shall

Associations to have a seal and name affixed in official publications.

Penalty for using seal or invoices, &c., without name engraved or name mentioned thereon.

further be personally liable to the holder of any such bill of exchange, promissory note, check, or order or for money or goods, for the amount thereof, unless the same is duly paid by the association.

Associations shall have registered offices, where notices may be addressed, &c

Penalty for doing business without office.

Capital stock limited to certain amount.

No members entitled to hold or claim interest exceeding a certain amount.

Shareholders not liable for debts of association.

Association may hold interest in other associations. Proviso.

Board of directors to make annual statement of the condition of the association.

8. *And be it enacted*, That every association incorporated under this act shall have a registered office, to which all communications and notices may be addressed, and notices in writing of the situation of such office, and if any change therein, shall be filed with the chief of the bureau of statistics of labor and industries, and shall be recorded in the office for the recording of deeds of the county where such office is situate, and if any such association shall carry on business without having such office, it shall incur a penalty not exceeding twenty-five dollars during every day in which business is so carried on, and until notice of such situation of the office, and of any change therein as aforesaid, shall be filed and recorded as aforesaid, the association shall not be deemed to have complied with the provisions of this act.

9. *And be it enacted*, That the capital stock of such association shall be limited to any sum not exceeding one million dollars, and shall be divided into shares, the par value of which shall not be more than fifty dollars, and no share shall be issued for less than its par value.

10. *And be it enacted*, That no member of any such association shall be entitled to hold or claim any interest therein exceeding the sum of one thousand dollars, nor shall any member upon any subject be entitled to more than one vote.

11. *And be it enacted*, That no shareholder shall be individually liable for any debt of such association except as herein provided, and no certificate of shares shall be issued to any member until the shares shall be fully paid in cash.

12. *And be it enacted*, That any association incorporated under this act may hold in its corporate name any amount of interest in any other association so incorporated; *provided*, that such interest so held shall not exceed one-third in value authorized of the capital stock of the association so holding the same.

13. *And be it enacted*, That the board of directors shall annually make a statement, in writing, of the condition of the association, setting forth the amount of the capital stock, the number of shares issued and the par value thereof, the number of stockholders, together with the greatest number of

shares held by any one stockholder, the amount and character of the property of the association, and of its debts and liabilities, and said statement shall be signed and sworn to by a majority of the directors, including the treasurer, and the same shall be recorded in the office for the recording of deeds, in the proper county, and immediately thereafter a copy filed in the office of the chief of the bureau of statistics of labor and industries; the chief of the bureau of statistics of labor and industries shall, if he has reason to doubt the correctness and truth of the statement, or upon a written request of five stockholders of such association, either in person or deputy, immediately make an examination of the books and affairs of such association and render a correct statement to its stockholders, and every member or creditor of, or any depositor in any such association, shall be entitled to receive from the secretary or treasurer of such association a copy of such annual statement, without making any payment for the same; and every such association which shall not make such statement and file the same as aforesaid in the office of the bureau of statistics of labor and industries, and of the county as aforesaid, shall incur a penalty of not less than fifty dollars nor exceeding one hundred dollars for each such offence; and every person who makes, or orders to be made, any false statement or any omission in any such return, with intent to deceive the chief of the bureau of statistics of labor and industries, shall incur a penalty not exceeding five hundred dollars for each return so dealt with.

Statement to be filed and recorded.

Chief of bureau, upon request of five stockholders, to make examination of books and affairs and render a statement thereof.

Penalty if association fail to make and file statement.

14. *And be it enacted*, That any member or other person having an interest in the funds of any association incorporated under this act, may inspect the books and the names of the members, at all reasonable hours, at the office of the association.

Books open to inspection.

15. *And be it enacted*, That there shall be such distribution of the profits or earnings of such association, among the workmen, purchasers and stockholders, as shall be prescribed in the articles of association, at such time as therein prescribed, as often, at least, as once in twelve months; *provided*, that no distribution shall be declared and paid until a sum equal, at least, to five per centum of the net profits, shall be appropriated for a contingent or sinking fund, until there shall have accumulated a sum equal to thirty per centum in excess of such capital stock.

Distribution of the profits.

Proviso.

Member may, in writing, designate to whom his shares may be transferred upon his decease.

Proviso.

Proviso.

Dissolution of association, how made.

Proviso.

Association considered in existence until all matters are settled.

Members liable to contribute to assets of association to amount suffi-

16. *And be it enacted*, That a member of any such association may, by writing, under his hand delivered at the office of the association, appoint any person being the husband, wife, father, mother, child, brother, sister, nephew, or niece of such member to whom his or her shares in the association shall be transferred at his or her decease; *provided*, that the sum credited to the account of such member in the books of the association does not exceed the sum of two hundred and fifty dollars, and may from time to time revoke or vary any such nomination by a writing under his or her hand, and similarly delivered, and the secretary of every such association shall keep a book wherein the names of all persons so nominated shall be transferable to the nominee, although the articles of association declare its shares to be generally not transferable; *provided, nevertheless*, that the association may, in lieu of making such transfer, elect to pay to any nominee the full value of the shares comprised in the nomination to him or her, and shall pay him or her the full value of any such shares, which, if transferred into his or her name, would increase his or her interest in the association to an amount exceeding one thousand dollars.

17. *And be it enacted*, That any association, incorporated under this act, may be dissolved or wound up, either by the court of common pleas or voluntarily, in the manner and under the same circumstances under which and in which any other corporation may be dissolved or wound up under existing laws for winding up corporations; *provided, however*, that the court having jurisdiction in the winding up shall be the county court of the district in which the office of the association is situated.

18. *And be it enacted*, That in case of the dissolution of any such association, such association shall, nevertheless, be considered as existing, and be in all respects subject to the provision of this act, so long and so far as any matter relating to the same remain unsettled, to the intent that such association may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this act in respect to all matters relating to such association.

19. *And be it enacted*, That in the event of an association incorporated under this act being dissolved, every present and past member of such association shall be liable to contribute

to the assets of the association to an amount sufficient for the payment of the debts and liabilities of the association, and the costs, charges and expenses of the winding up of the same and for the payment of such sums as may be required for the adjustment of the rights of the contributors amongst themselves with the qualifications following, that is to say :

First. No past member shall be liable to contribute to the assets of the association if he has ceased to be a member for a period of one year or upward, prior to the commencement of the winding up ;

Second. No past member shall be liable to contribute in respect of any debt or liability of the association contracted after the time at which he ceased to be a member ;

Third. No past member shall be liable to contribute to the assets of the association unless it appears to satisfy the contributions required to be made by them in order to satisfy all just demands upon such association ;

Fourth. No contribution shall be required from any member exceeding the amount, (if any), unpaid on the shares in respect of which he is liable as a past or present member.

20. *And be it enacted*, That the articles of association and all amendments thereto shall bind any association incorporated under this act, and the members thereof, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such articles of association or amendments thereto contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to such articles of association and amendments thereto, subject to the provisions of this act, and all money payable by any member of the association, of such articles of association or amendments thereto, shall be deemed a debt due from such member to the association.

21. *And be it enacted*, That the words " co-operative association limited " shall be the last words of the name of every association incorporated under the provisions of this act.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

cient for pay-  
ment of debts,  
&c.

No past mem-  
ber liable after  
ceasing to be a  
member a year.

No past mem-  
ber liable to  
contribute to  
any debt con-  
tracted after  
ceasing to be a  
member.

No past mem-  
ber liable to  
contribute un-  
less to satisfy  
demands.

No contribu-  
tions required  
exceeding  
amount unpaid  
on shares.

Articles of as-  
sociation and  
amendments  
binding associ-  
ation and mem-  
bers, and  
moneys paya-  
ble by any  
member,  
deemed a debt.

Portion of  
name to be  
adopted.

## CHAPTER CXL.

A Supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act above referred to be amended so as to read as follows :

Municipal au-  
thorities to use  
their discretion  
fixing sums to  
be assessed  
upon vacant  
lots, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city of this state, in which the municipal or other authorities own or manage water works, and are now empowered and compelled to annually fix a sum to be assessed upon vacant lots, and lots with buildings thereon, in which water is not taken, such authorities are hereby authorized to use their discretion in each year in fixing or omitting to fix such sums to be so assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLI.

An Act to prevent the adulteration of milk and to regulate the sale of milk.

Persons selling  
or offering for  
sale skimmed  
milk, to solder  
a label or tag  
upon can or  
package.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall sell, or who shall offer or expose for sale, or who shall transport or carry, or who shall have in possession with intent to sell, or

offer for sale, any milk from which the cream, or any part thereof has been removed, shall distinctly, durably and permanently solder a label, tag or mark of metal in a conspicuous place upon the outside and not more than six inches from the top of every can, vessel or package containing such milk, and said metal label, tag or mark shall have the words "skimmed milk" stamped, engraved or indented thereon in letters not less than one inch in height, and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked, and every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for violating this section.

2. *And be it enacted*, That every person who shall sell, or who shall offer for sale, or who shall transport or carry, for the purposes of sale, or who shall have in possession with intent to sell or offer for sale, any impure, adulterated or unwholesome milk shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for selling or offering for sale impure or adulterated milk.

3. *And be it enacted*, That every person who shall adulterate milk or who shall keep cows for the production of milk, in a crowded or unhealthful condition, or feed the same on food that produces impure, diseased or unwholesome milk shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the penalties prescribed in section eight of this act. Penalty for adulterating milk and keeping cows in an unhealthy condition, &c.

4. *And be it enacted*, That the addition of water or any substance or thing is hereby declared an adulteration; and milk that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature is hereby declared to be impure and unwholesome, and any person offending as aforesaid shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Addition of water or other substance declared an adulteration.

5. *And be it enacted*, That every person who shall feed cows on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, or rottenness or upon any substance of an unwholesome nature shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for feeding cows on unwholesome substances.



Penalty for selling or offering for sale milk exposed to certain diseases.

6. *And be it enacted*, That every person who shall sell, or who shall offer for sale any milk that has been exposed to, or contaminated by the emanations, discharge or exhalations from persons sick with scarlet fever, measles, diphtheria, small pox, typhoid fever, or any contagious disease by which the health or life of any person may be endangered or compromised, shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act.

When milk is deemed to be adulterated.

7. *And be it enacted*, That in all prosecutions under this act, if the milk shall be shown, upon analysis, to contain more than eighty-seven per centum of watery fluids, or to contain less than thirteen per centum of milk solids, it shall be deemed, for the purposes of this act, to be adulterated.

Penalty for violating the provisions of this act.

8. *And be it enacted*, That every person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail for not less than thirty days, nor more than ninety days, or both, at the discretion of the court, and if the fine is not immediately paid, shall be imprisoned for not less than thirty days, or until said fine shall be paid, and for a second offence by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than sixty days, nor more than ninety days, or both, at the discretion of the court, and for any subsequent offence by a fine of fifty dollars and imprisonment in the county jail not less than sixty nor more than ninety days; and on trial for such misdemeanor or penalty, the sale, or offer for sale, or exposure for sale, of milk or articles contrary to the provisions of this act, shall be presumptive evidence of knowledge by the accused of the character of the milk or article so sold, or offered, or exposed for sale, and that the can, vessel or package was not marked as required by this act.

Penalties—how recovered.

9. *And be it enacted*, That all penalties imposed under the provisions of this act may be sued for in any court having competent jurisdiction, one-half the fine to go to the person making the complaint, and the other half to be paid to the county collector for the benefit of the county; any court of competent jurisdiction in this state shall have jurisdiction to try and dispose of all and any of the offences arising in the



same county against the provisions of this act, and every justice of the peace shall have jurisdiction within his county of actions to recover any penalty hereby given or created.

10. *And be it enacted*, That the state board of health is hereby empowered and directed to appoint, each year, a competent person, who shall act as state inspector of milk, at a salary of eight hundred dollars per annum, payable by the treasurer of this state, by warrant of the comptroller, in quarterly payments, for the purposes of this act, and in addition thereto said inspector shall be paid his actual traveling expenses while in the performance of his duties, and actual expenses of suits brought by him under this act, payable by the treasurer of this state by warrant of the comptroller; said inspector shall act until removed by said board, or until his successor is appointed, and shall make such reports to said board, at such time as it may direct; said inspector, having reason to believe the provisions of this act are being violated, shall have power to open any can, vessel, or package containing milk and not marked as directed by the first section of this act, whether sealed, locked or otherwise, or whether in transit or otherwise; and if, upon inspection, he shall find such can, vessel or package to contain any milk which has been adulterated, or from which the cream, or any part thereof, has been removed, or which is sold, offered or exposed for sale, or held in possession with intent to sell or offer for sale, in violation of any section of this act, said inspector is empowered to condemn the same and pour the contents of such can, vessel or package upon the ground, and bring suit against the person or party so violating the law, and the penalty, when so collected by such suit, shall be paid into the treasury of this state, and said inspector is directed to cause the name and place of business of all persons convicted of violating any section of this act to be published once in two newspapers in the county in which the offence is committed; and said inspector is empowered to appoint one or more deputies, who shall have power to inspect milk, as provided by this act, and who shall be empowered to act as complainant, as provided by section nine of this act; *provided*, that no expense be incurred to the state by action or appointment in lieu thereof of said deputies.

State board of health empowered to appoint an inspector of milk.

Compensation and expenses—how paid.

Duties of inspector.

Inspector to advertise name and place of business of persons convicted of violating this act.

Proviso.

11. *And be it enacted*, That said state inspector of milk shall also be a public analyst, and shall make analyses and in-

Inspector to be a public analyst.

vestigations of food, drugs and other substances, as he may be directed so to do by the state board of health.

Certain acts repealed.

12. *And be it enacted*, That an act entitled "An act to prevent the adulteration of milk, and to prevent traffic in impure and unwholesome milk," approved April seventh, one thousand eight hundred and seventy-five, and an act entitled "An act to regulate the sale of milk," approved April fifth, one thousand eight hundred and seventy-eight, and an act entitled "A supplement to an act to regulate the sale of milk, approved April fifth, one thousand eight hundred and seventy-eight," approved March twelfth, one thousand eight hundred and eighty, are hereby repealed.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLII.

A Supplement to an act entitled "An act regulating the practice of the court of law," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Parties dying after judgment is recovered, execution may be sued out against real and personal property of deceased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when one or more of several parties, against whom a judgment has been recovered, shall die after judgment and before execution issued, and such deceased party or parties shall not have left a last will and testament, and no letters of administration shall have been granted upon such deceased party or parties' estate within six months after the death of such party or parties, execution may be sued out against the real estate and personal property of such deceased party or parties as if such death or deaths had not occurred.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLIII.

An Act relating to the division of certain cities in this state into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities not already divided into wards may be divided into two or more wards. Cities may be divided into wards.

2. *And be it enacted*, That the common council or other governing board or body in any such city is hereby authorized and empowered to determine the number of wards into which such city shall be divided, and the boundaries of said wards, and are authorized and empowered to make such division accordingly. Common council authorized to divide city and determine boundaries of wards.

3. *And be it enacted*, That at all city or charter elections to be held in any city after a division thereof into wards as aforesaid, an equal number of the members of the common council or other governing board or body shall be elected from each of said wards, and the residue of such board of common council or other governing board or body shall be elected at large from said city; *provided*, that the largest possible number consistent with the foregoing provisions of this section shall be elected from each of said wards; *provided, further*, that where in any city affected by this act the mayor, alderman or any other officer of said city is now ex-officio a member of the city council, the city council in apportioning the number of councilmen to each ward shall not take into consideration such ex-officio members. Equal number of members to be elected from each ward, and the residue elected at large from the city. Proviso. Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLIV.

An Act to provide means to increase the fish production of the waters of this state.

Appropriation  
for stocking  
waters of this  
state with  
game and food  
fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work now in progress under the care of the commissioners of fisheries of this state, of stocking the waters of the state with valuable game and food fishes, there is hereby appropriated the sum of four thousand dollars, which shall be paid from the state treasury on the warrant of the comptroller, drawn upon the requisition of the commissioners, and which shall be expended by them in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they deem advisable in carrying on the work of restoring and increasing the fish production of the waters of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLV.

An Act validating oaths taken before masters in chancery and notaries public in certain cases.

Official oaths  
validated.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any official oath authorized by the laws of this state to be taken and subscribed before a

justice of the peace of this state, which may have been taken and subscribed before a master in chancery or notary public of this state, shall be deemed as valid and effectual, for all purposes, as if taken and subscribed before a justice of the peace.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

## CHAPTER CXLVI.

An Act to enable the owners of any island or part thereof to improve the same and to protect the same from damage by high tides.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the owners representing two-thirds in area of any island or portion of an island situate and lying along the coast or tide water streams of this state, shall agree or consent in writing to erect or build a sea wall or embankment for the purpose of protecting the same or any property therein from high tides or storm tides, around, across or along the same or any portion thereof, said agreement or consent in writing to be accompanied by a survey or plot of said land to be thus protected, with the names of the owners thereof and the number of acres owned by each, and showing where said sea wall or embankment is proposed to be located and built or erected, and to be signed and acknowledged and filed and recorded in the county clerk's office of the county where said land is located, and the county clerk of the several counties in this state, where any such island is located, are hereby authorized to record said agreement and surveys the same as other conveyances are recorded.

Owners may agree and consent in writing to build a sea wall or embankment to protect property.

Agreement or consent to be accompanied by survey, &c., and to be filed and recorded in office of county clerk.

2. *And be it enacted*, That upon the filing of the agreement or consent as aforesaid, the owners of said land who have signed said agreement or consent, representing two-thirds of

Certificate of association and corporate name to be filed and recorded.

the area of said land to be protected, shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where and the purpose for which such association or company is formed and intended, the name, residence and number of acres owned by each, and file the same in the office of the clerk of the county where such island or part of an island is situated and where said improvements are to be made, who shall thereupon record it in a book to be provided for that purpose.

**Election of directors, &c.**

3. *And be it enacted*, That upon making and recording such certificate, the said persons, their successors and assigns, shall become and be a body politic and corporate and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations; such persons so associated or a majority of them shall within thirty days after such incorporation, and annually thereafter by a vote of a majority present elect any members of their said association not exceeding seven to be directors of such corporation, who shall thereupon choose from their number a president, secretary and treasurer, and such other officers and assistants as they may deem requisite and necessary; and such directors shall have power to frame, establish and ordain from time to time, such by-laws, ordinances and regulations for the government of such corporation and the advancement of the purposes thereof, as they shall judge best; *provided*, the same be not repugnant to the constitution or laws of this state or the United States.

**May make by-laws.**

**Proviso.**

**Directors to cause all the lots of land to be measured and a plot to be made.**

4. *And be it enacted*, That the directors of said corporation or a majority of them shall as soon as may be, cause all the lots and parcels of the land belonging to each owner within the limits of the proposed sea wall or embankment, to be carefully and strictly measured, and a draught or plot to be made showing the quantity held by each owner, and cause a valuation to be made of the land of each owner separately; and shall thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this act, and also of buildings erecting and maintaining said sea wall or embankment and other works necessary to keep the tide from overflowing or encroaching on said land within said wall or embankment, to be protected thereby; and shall assess the same ratably on said land agreeably to the valuation and quantity. each owner may have within the said sea wall or embankment, or to be

**Estimate of cost for proposed improvement to be made.**

protected thereby; and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and part of acres held by each, the sums assessed on them severally, and the time or times of payment, which duplicate shall be delivered to the treasurer of said company.

5. *And be it enacted*, That the treasurer, on receipt of the said duplicate, shall, in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, not less than twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for payment thereof, it shall and may be lawful to and for the said treasurer to seize and sell out, by public vendue, to the highest bidder, so much of said land as will be requisite to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the space of four weeks in five of the most public places in the vicinity where the said land is located, by hand-bills; also in one newspaper published and printed in the county where said land is located, for the same length of time, at least once in each week; that if said estimate so made and collected as aforesaid should not produce a sufficient sum of money to fulfil the purposes above mentioned, the said directors shall make, in like manner, an estimate of such sum as may be further necessary, which shall be collected in like manner as is hereinbefore directed.

Expenses, &c.,  
to be assessed  
upon lands.

Upon failure to  
pay assess-  
ment, treasur-  
er to sell lands  
at public ven-  
due.

Sale to be ad-  
vertised.

6. *And be it enacted*, That if the board of directors of said company shall deem it advisable to issue bonds to an amount sufficient to pay the expenses of building, erecting and maintaining said sea wall or embankment, they shall have the power to do so, instead of raising the money by assessment as aforesaid, said bonds to bear interest at a rate not exceeding the legal rate when issued, and payable semi-annually; said bonds to run such length of time as said board shall determine, not exceeding twenty years; said bonds to be issued upon such terms as a majority of said directors shall deem advisable; said board of directors to provide for the payment of the interest and principal of said bonds as they become due and payable, by assessment on the land owners or possessors as aforesaid provided.

Directors em-  
powered to  
issue bonds to  
pay for im-  
provement.

Property pledged and bound for the payment of money expended and bonds issued.

7. *And be it enacted*, That for the security of all moneys assessed or expended, or for the bonds which may be issued in payment of said improvements or work, by virtue of this act; all the land protected or enclosed by said sea wall or embankment, or for the protection whereof said sea wall or embankment is built or erected, shall be pledged and bound for the payment thereof, and said bonds shall be a lien thereon.

Company authorized to borrow money and issue bonds.

8. *And be it enacted*, That said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, erect and construct, repair and maintain said sea wall or embankment, and to secure the same by issuing bonds therefor, at a rate of interest not exceeding the legal rate.

Directors authorized to make sea wall a traveled road.

9. *And be it enacted*, That the directors of said company shall have power to make said sea wall or embankment a traveled road or walk upon such conditions and restrictions as may be deemed advisable by said board of directors.

Failure to elect directors, company not to be dissolved.

10. *And be it enacted*, That if, from any cause, an election for directors shall not be had at the time when the same should have been held, the said company shall not be deemed dissolved thereby, but said election may be held at any other time by giving ten days' notice thereof in some newspaper published in said county; and until such election be had, the directors and officers elected at the preceding election shall continue to hold over and until others are elected in their stead.

When owner of land is unknown, assessment made to be stated on duplicate.

11. *And be it enacted*, That in case the owner or owners of any land benefited or enclosed by said sea wall or embankment is unknown, the assessment may be made as belonging to a person or persons unknown, and so state the same in their duplicate; and that the treasurer of said company may make the demand required by advertising the same in a newspaper circulated in the county wherein said land is located, for the space of twenty days next before the time of payment, giving in said advertisement a brief description of said land upon which the assessment has been made.

Owners may redeem lands sold within two years.

12. *And be it enacted*, That in case any land shall be sold under and by virtue of this act to pay any assessment for improvement or otherwise, that the owner or owners of said land shall have the privilege of redeeming the same at any time within two years from the time said sale shall have been made, by paying to the treasurer of said company the amount for



which said land sold for, together with eight per centum interest and all expenses.

13. *And be it enacted*, That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said sea-wall or embankment, shall be given in writing, under oath or affirmation, of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them,

Proceedings when company cannot agree with owner or owners of lands and materials.

Justice to appoint commissioners.

Commissioners to make an estimate or appraisement of lands and assess damages and to make report.

and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein and thereupon, and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands or materials for the purposes aforesaid, and the said report or copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded shall at all time be considered as plenary evidence of the right of any company incorporated under this act, to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company ; *provided, always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may be.

Proviso.

Proceedings in case of an appeal from the decision of commissioners.

14. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and direct a proper issue for the trial of said controversy to be

formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no **Proviso.** case whatever, shall said company incorporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said works or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of any company incorporated under this act, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability then the payment of the amount assessed or found as aforesaid, into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the **Proviso.** party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such ten-

Proviso.

der or payment of the money into court, in case it be refused, as aforesaid, the said company shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing its sea wall or embankment; *provided*, nothing in this act shall be construed to apply within the limits of any incorporated city, nor to affect the rights of the state to any lands under water.

15. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Passed March 23, 1881.

## CHAPTER CXLVII.

An Act to amend an act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows:

When premises sold do not bring amount to satisfy debt, it may be lawful to proceed on bond for deficiency.

2 *And be it enacted*, That in all cases where a bond and mortgage has or may hereafter be given for the same debt, all proceedings to collect said debt shall be, first to foreclose the mortgage, and if at the sale of the mortgaged premises under said foreclosure proceedings the said premises should not sell for a sum sufficient to satisfy said debt, interest and costs, then and in such case it shall be lawful to proceed on the bond for the deficiency, and that all suits on said bond shall be commenced within six months from the date of the sale of said

Suits to be commenced within six months from sale.

mortgaged premises, and judgment shall be rendered and execution issue only for the balance of debt and costs of suit.

2. *And be it enacted*, That section three of said act be and the same is hereby amended so as to read as follows :

3. *And be it enacted*, That, if after the foreclosure and sale of any mortgaged premises the person who is entitled to the debt shall recover a judgment in a suit on said bond for any balance of debt, such recovery shall open the foreclosure and sale of said premises, and the person against whom the judgment has been recovered may redeem the property by paying the full amount of money for which the decree was rendered, with interest to be computed from the date of said decree and all cost of proceedings on the bond ; *provided*, that a suit for redemption is brought within six months after the entry of such judgment for the balance of the debt.

When persons recover a judgment for balance of debt, the foreclosure and sale of premises shall be opened, and the owner may redeem property.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

## CHAPTER CXLVIII.

### An Act concerning railroad corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every railroad corporation whose charter would expire during the year one thousand eight hundred and eighty-one, by force of its act of incorporation, and which has expended moneys in making surveys or in constructing its road, to extend its road to any point of connection with any other railroad within five miles of either of its present termini, and for such purpose is hereby again invested and endowed with all the rights, powers, privileges and franchises conferred upon such railroad corporations in and by its act of incorporation or any supplement thereto.

Railroad corporations invested with all rights, powers, privileges, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

## CHAPTER CXLIX.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

No child to be excluded from any public school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no child, between the age of five and eighteen years of age, shall be excluded from any public school in this state on account of his or her religion, nationality or color.

Penalty for board of trustees to vote to exclude any child from any public school.

2. *And be it enacted*, That any member of any board of trustees of any school district, or any member of any board of education in this state, who shall vote to exclude from any public school in this state, any child between the age of five and eighteen years of age, on account of his or her religion, nationality or color, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offence is committed not less than thirty days nor more than six months, or both fine and imprisonment may be imposed in the discretion of the court.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

## CHAPTER CL

An Act to provide for commissioners to prepare and suggest amendments to the constitution of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That during the current session of the legislature there shall be appointed by the governor, and certified to the secretary of state, three persons, who, together with the president of the senate and two persons to be designated by him, and the speaker of the house of assembly and two persons to be designated by him, shall constitute a commission, whose duty it shall be to prepare amendments to the constitution of this state.

Commissioners to prepare amendments to constitution to be appointed.

2. *And be it enacted*, That the said commissioners shall receive no compensation for their services; they shall meet and organize at the state house in Trenton, on or before the first day of June, one thousand eight hundred and eighty-one; they may appoint a secretary, not of their own number, and may employ a stenographer; they may adjourn from time to time as they shall see fit, and they shall prepare and submit to the next legislature, in proper form for consideration, such changes in or amendments to the constitution of this state, as shall, in their opinion, be for the best interests of the people.

When commissioners to meet.

May appoint officers and submit amendments to next legislature.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

## CHAPTER CLI.

A Further Supplement to an act entitled "An act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, one thousand eight hundred and sixty-six, providing an additional appropriation for the support of said home, and for the erection of a suitable hospital building and heating and furnishing the same.

Additional ap-  
propriations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in addition to the appropriation now authorized by law, the further sum of twelve thousand dollars is hereby appropriated for the support of the New Jersey Home for Disabled Soldiers for the current year; and, also, the sum of three thousand dollars for the erection of a suitable hospital building for said home, and the heating and furnishing of the same.

Money—by  
whom expend-  
ed.

Treasurer to  
pay appropria-  
tion.

2. *And be it enacted*, That said sums shall be expended under the direction of the board of managers of said home, and the state treasurer is hereby authorized and directed to pay the same, for the purposes aforesaid, to the treasurer of said home, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of this state not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.



## CHAPTER CLII.

An Act authorizing the establishment of sinking funds in cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of any city in this state is hereby authorized and empowered by ordinance to create, establish, maintain and regulate a sinking fund in any such city, and define the powers and duties of the board or committee in charge thereof; *provided*, that whenever any bonds shall have been issued by any city under any general law or agreement or compromise, the amount of the collections of all taxes, assessments, license fees or special sums pledged or raised for the payment of said bonds shall be applied in accordance with the laws and agreements under and in pursuance of which said bonds may have been issued, and it shall be the duty of the sinking fund commissioners of any city or those which may be appointed under the provisions of this act, to have charge of and carry out the proper disposition of said collections.

City council  
authorized by  
ordinance to  
create and reg-  
ulate a sinking  
fund, &c.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

## CHAPTER CLIII.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court, and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the act supplementary thereto, approved March the eighth, one thousand eight hundred and seventy-seven.

Sales of lands made by executors or administrators, not to be invalid by reason of failure to set up order, &c.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any executor or administrator, or order for the sale of lands to pay debts, made by any orphans' court of this state, shall be held invalid, nor shall any orphans' court of this state refuse to grant an order for the sale of lands under and by the provisions of said supplementary act, by reason of a failure to set up the order to show cause, in each of the counties where the lands lie, or of a failure of the court to direct in what newspapers the said order should be published; *provided*, that the said order shall have been set up in three of the most public places in the county, in which letters of administration or letters testamentary have been granted, and by the orphans' court of which said order was made, for six weeks successively, and published for the same time in one of the newspapers of said county, according to the provisions of the seventy-first section of said act; *and provided*, that all the other provisions of the above mentioned act shall have been complied with; and any sales of lands which may be made under and by virtue of the orders of the orphans' courts of this state, as above provided, shall be as valid and effectual as if all the provisions of said supplementary act, respecting the setting up and publishing the order to show cause, had been complied with.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

## CHAPTER CLIV.

**A Further Supplement to an act entitled "A supplement to an act entitled 'An act to establish a state board of health,'"** approved March ninth, one thousand eight hundred and seventy-seven, which supplement was approved March twelfth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be amended so as to read :

2. *And be it enacted*, That in event of any contagious or infectious disease, as aforesaid, breaking out or being suspected to exist in any locality in this state, it shall be the duty of all persons owning or having any interests in said animals, or any person called as a veterinarian to see such animals, to notify the said board of health, or any one of them, of the existence of such a disease, and thereupon it shall be the duty of the said board of health, or some one designated by them, to investigate the same, and quarantine said animal or animals, and take such precautionary measures, as to any animal sick or as to other animals that have been, or are in proximity thereto, as shall be deemed necessary, and to enforce such regulations as may be adopted by such board of health ; or if said board, without notification, has any reason to believe that any such infectious or contagious disease exists in or among any animals in this state, it shall have the same power of inquiry and examination, and the same rights of jurisdiction as are herein provided, where there has been notification by the owner or those having possession thereof.

2. *And be it enacted*, That in all cases where animals affected with or which shall have been exposed to a contagious or infectious disease are ordered to be killed, or shall have been killed by order of the board of health or its assistants, it shall be the duty of three members, who are freeholders, of such a board of health, of the city, township or county in

Section;  
amended.

Owners of animals to notify state board of health of existence of any contagious or infectious disease.

Board to quarantine animal or animals, and to prescribe remedies and enforce regulations, &c.

Board of health or assistants to appoint freeholders to appraise value of animals killed or slaughtered.

which the disease exists, as the state board of health may request, to appraise the value of the animal or animals so killed or ordered to be killed, taking into consideration the marketable value just previous to the time of attack of such disease; and the animal or animals so killed shall be buried by the owner thereof in the manner specified in the act to which this is a supplement; *provided*, that in no case shall said valuation exceed the sum of forty dollars for any one animal, or in the case of registered cattle shall not exceed one hundred dollars, one-half of said valuation to be paid by the state to the owner or owners, on presentation of such appraisement, signed by the appraisers, as provided for in the act to which this is a supplement.

Proviso.

Board of health may, with consent of owner, allow herd or herds of cattle to be inoculated.

3. *And be it enacted*, That when any herd or portion thereof has been or is so exposed to any contagious or infectious disease, and the state board of health deem the disease likely to spread to that portion of the herd still unaffected, although isolated or quarantined, said herd may, with the consent of the owner or owners, and with restrictions agreed upon between them and the executive officer of the state board of health, cause or allow said herd or herds to be inoculated for the prevention of such diseases, as can be thus mitigated; but any loss resulting from such inoculations shall not constitute any claim against the state, or the board of health acting as its agent; *provided*, that inoculation for pleuro-pneumonia shall in no case be allowed without the consent and approval of the state board of health, and by its direction, under the penalties, provided in section eight of the act to which this is a supplement.

Proviso.

State board of health may, with consent of local board, prohibit bringing of cattle into any township without inspection or permit, and may prohibit running at large of animals.

4. *And be it enacted*, That when any city, township or district shall be threatened with any contagious or infectious disease among animals, to such an extent as to seem to require more general precautions, the state board of health shall notify the local board of health, and with the advice and consent of the majority of said local board of health, may, for a time, prohibit the bringing of any cattle into such township without inspection or a written permit, or may make distinction between fat and store cattle, or may prohibit the running at large of animals in the township, if not already prohibited by law, for such time as the township board of health shall advise.

5. *And be it enacted*, That the state board of health, in itself or by its authorized agents, is hereby empowered to inspect any animal or animals in this state, suspected of any contagious or infectious disease, whether belonging to citizens of this state or some other state or country, or when passing over ferries, or by other means of conveyance to or from this state, or to detain or send back the same, or dispose of by slaughter, as provided in the foregoing sections of this act and the act to which this is a supplement; and in case there is evidence of any contagious or infectious disease of animals being conveyed from other states to this state, the state board of health may order and direct as to the places, days or time, when animals may have egress or ingress from and to this state, and regulate the same, and with only such interference with traffic as the necessities of the case may demand.

State board of health empowered to inspect animal or animals suspected of any contagious disease in this state, or passing over ferries, &c.

Approved March 23, 1881.

## CHAPTER CLVI.

### An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state shall have power to pass, alter and repeal ordinances to compel the removal of snow and ice from the sidewalks and gutters of all the public streets, avenues or public places in any such city, and to prescribe penalties by fine not exceeding five dollars in each case, for any violation of any ordinance herein authorized.

Common council or aldermen authorized to pass, alter or repeal ordinances to compel removal of snow and ice.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

## CHAPTER CLVII.

A General Act respecting taxes, assessments and water rates.

No tax, assessment or water rent shall be set aside in any court for any irregularity or illegality in assessing or levying the same.

Court required to amend irregularities, errors or defects, &c.

Assessments to remain a lien, and how collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no tax, assessment or water rate imposed or levied in this state shall be set aside or reversed in any court of law or equity in any action, suit or proceeding for any irregularity or defect in form, or illegality in assessing, laying or levying any such tax, assessment or rate, or in the proceeding for collecting the same, if the person against whom, or the property upon which such tax, assessment or rate is assessed or laid is in fact liable to taxation, or assessment, or imposition of such water rate, in respect of the purposes for which such tax, assessment or rate is levied, assessed or laid; and the court in which any action, suit or proceeding is or shall be pending to review any such tax, assessment or water rate is required to amend all irregularities, or errors or defects, and is empowered, if need be, to ascertain and determine for what sum such person or property was legally liable to taxation, or assessment, or water rate, and by order or decree to fix the amount thereof; and the sum so fixed shall be the amount of tax, assessment or water rate for which such person or property shall be liable, and the same shall be and remain a first lien or charge upon the property and persons, and collectable in the manner provided by law, the same as if such tax, assessment or water rate had been legally levied, assessed or imposed in the first instance by the city, town, township, commission, board or other authority attempting to make, impose or levy the same; it shall be the duty of the court to make a proper levy, imposition or assessment in all cases in which there may lawfully be an assessment, imposition or levy; and such court is hereby given full and ample authority to make a lawful levy, assessment or imposition.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1881.

## CHAPTER CLVIII.

An Act to provide for drainage where the same is necessary to the public health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any ten or more citizens who deem it necessary for the public health that any pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands should be drained, may present a petition duly verified to the court of common pleas of the county in which such pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands lie, or if the same lie in more than one county, to the supreme court of this state, in open court in each instance, setting forth the facts and the names of all the owners of lands likely to be affected by the proceedings, so far as known to the petitioners, and praying for the appointment of three commissioners for the purposes and with the powers hereinafter set forth; notice of the proposed application and of the day on which the same is intended to be made, shall be given for at least two weeks previous to the day of making such application, by advertisement in writing, under the hands of at least two of the petitioners, set up in three of the most public places in the township in which the premises proposed to be drained are situate, and if such premises are situate in more than one township, such advertisement shall be set up at three of the most public places in each township.

Ten or more citizens may petition supreme court for appointment of commissioners.

Notice of application to be advertised.

2. *And be it enacted*, That the said court to which such application is made, on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, and being satisfied that the petition is in due form, shall thereupon appoint three persons, who shall be freeholders in the county or in one of the counties, wherein the premises proposed to be drained are situated, and who shall not be interested in said premises or any of them, and one of whom shall be a civil

Supreme court to appoint commissioners.

One to be a  
civil engineer  
or surveyor.

engineer or surveyor, to hear and determine, first, whether the drainage petitioned for is necessary to the public health, and second, through what lands it is necessary in order to drain the premises in question that a ditch or ditches, or other channels for the free passage of water should be opened ; and to take such other and further steps with reference thereto as are hereinafter provided for.

Commissioners  
to take oath  
and organize.

3. *And be it enacted*, That the said commissioners, before they enter upon the duties of their office, shall make and subscribe and file an oath with the clerk of the court, by which they are appointed, that they will faithfully discharge the duties of their office to the best of their knowledge and ability ; the commissioners shall, with all convenient speed, after qualifying as herein provided, meet and organize by appointing one of their number as chairman and another as treasurer ;

Officers of com-  
mission.

the treasurer shall collect and be the custodian of all moneys to be collected or received by the commissioners under the provisions of this act, and shall pay out the same only upon the order of the commissioners signed by at least two of the commissioners ; the treasurer shall give a bond or bonds with sufficient sureties to the township committee of the township where the premises in question lie ; or if in more than one township, then to the township committee of each township ; such bond or bonds to be approved by a judge of the court in which the proceedings were commenced, both as to sufficiency and amount, and to be filed with the clerk of the court.

Treasurer to  
enter into  
bond.

Commissioners  
to view premi-  
ses and deter-  
mine whether  
drainage is  
necessary.

4. *And be it enacted*, That the said commissioners shall, after notice to the petitioners and the parties named in the petition, in such manner as they shall order, proceed by personal view of the premises, or otherwise, to determine whether the drainage petitioned for is necessary to the public health.

Determination  
of commission-  
ers to be filed  
in office of  
county clerk.

5. *And be it enacted*, That the said commissioners shall file in the office of the clerk of the court by which they were appointed, their determination, signed by them, or by a majority of them if they do not all concur, and give notice of such filing to all whom it may concern, by publishing such notice, at least two times in some newspaper published at the county seat of the county in which such premises are situated ; and, if they be situated in more than one county, in a newspaper published at the county seat of each county ; any party feeling aggrieved by such determination may appeal therefrom to the court in which the proceedings were commenced, by giving

Notice of filing  
to be adver-  
tised.

Persons ag-  
grieved by de-  
termination  
may appeal.



written notice of such appeal to said commissioners within twenty days after the last publication of such notice; the said court shall thereupon, on motion of either party, on at least ten days' notice to the appellant or appellants, proceed to hear said appeal in a summary manner and in accordance with the rules and practice of the court and to determine the same; if either or both parties desire that testimony be taken to be used on the hearing, such testimony may be taken orally, in open court, or in the form of depositions, as the court may direct. Testimony may be taken orally.

6. *And be it enacted*, That if it shall be adjudged and determined by the said commissioners, or by the court in case of appeal, that for the benefit of the public health such ditches, drains or channels, for the free passage of water, shall be opened, or that such pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, should be drained, it shall be the duty of said commissioners (unless the same shall be done by the owners of the lands to be thereby affected to the satisfaction of said commissioners), to cause an accurate survey of the lands and premises in question to be made, and a map thereof to be made, showing all the lands and premises that are proposed to be drained, the number of acres in each separate tract included in the district to be drained, the names of the owners and occupants thereof, so far as can be ascertained, and the relative levels of each tract, and the width, depth and slope of sides, shape and course of such ditch or ditches or other channels for the free passage of water, as they shall determine to be necessary for the drainage of the land and premises in question, and for the purposes of this act said commissioners are empowered to employ a competent civil engineer or surveyor, or to authorize such commissioner as may be a civil engineer or surveyor to act as such, and to enter upon any and all the lands mentioned in the petition or deemed necessary by such commissioners and survey the same, and take the levels thereof, and by themselves, their servants and agents, to do all things necessary for the construction and completion of all such ditches and channels for the passage of water, as they shall deem to be necessary for the complete drainage of said pond, artificial reservoir, marsh, swamp, bog, meadow or low or wet land. Upon determination of commission or court, survey and map of lands proposed to be drained, &c., shall be made.

7. *And be it enacted*, That the said commissioners shall, upon the completion of the work, cause such map certified by them, to be filed in the office of the clerk of the court in Commissioners may employ a civil engineer or surveyor. Maps filed in office of clerk of court.

which the proceedings are pending, which map, or a duly authenticated copy thereof, may be used in evidence in any suit or proceeding in this state.

Compensation of commissioners, and account of expenses to be kept.

8. *And be it enacted*, That the said commissioners shall be paid for their services three dollars each, for each full day actually employed in their said duties; they shall keep an account of all their expenses and of all the costs and expenses incurred in draining said lands and premises, including all the costs and expenses incurred in any proceeding under this act, or preliminary or incident thereto, and any land damages or awards as hereinafter provided; and in case it shall be necessary to raise funds for the construction of such ditches or drains or channels for the free passage of water or land damages or awards, before the assessment hereinafter provided for can be made and collected, the said commissioners are hereby empowered from time to time, with the approval of the court in which the proceedings are pending, to borrow so much money as may be necessary therefor upon such evidence of indebtedness, as they may deem proper, bearing interest at the rate of six per centum per annum, payable upon the completion of such assessment and collection, and the interest accruing thereon shall be assessed as the other expenses for said construction; such evidence of indebtedness shall not be issued for less than par and shall be receivable in payment of such assessments.

Commissioners empowered, with approval of court, to borrow money upon evidences of indebtedness.

Commissioners empowered to construct drains, ditches, &c., through or across any road or street and through private lands, and award owners compensation.

Compensation, how awarded.

Award to be final, and to bear interest.

9. *And be it enacted*, That the said commissioners shall have power to construct such drain or drains, ditch or ditches or other channels for the free passage of water, in accordance with the plans adopted, through and across any road or street in the township or townships in which the district to be drained lies, or through and across which it may be necessary in order to carry out the proposed drainage, and also through any private lands as shown on the said map, in which latter case they shall award the owner or owners of such lands just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded, and notice thereof given to the owner personally, if he be known, and a resident of the county in which the premises drained, or any part of them, are situate, and if not a resident of such county, then by mail, according to the best information that can be obtained as to his address, before commencing such work; and such award shall be final unless the said commissioners shall reconsider the same and

make a new award, or such owner shall appeal, as provided in section twelve of this act, and such award shall bear interest at the rate of six per centum per annum from the date of making the same until paid; and in case any valuable water rights or privileges shall be injuriously affected or destroyed by such drainage, the said commissioners shall award the owner or owners thereof just compensation therefor, and shall take the same proceedings in relation to such awards as in cases where land is taken.

10. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of the work of any drainage undertaken under the provisions of this act, the said commissioners shall ascertain the whole amount of such costs, damages and expenses, and shall make a just and equitable assessment of the same upon the lands specially benefited by such improvement in proportion to the benefit received thereby, but not in any case exceeding the amount of such benefit; and in case the whole costs, damages and expenses shall exceed the amount of benefits to lands specially benefited thereby, such excess shall be assessed upon and raised by general taxation in the township or townships in which the drained district lies, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected; and in case the drained district lies in more than one township, the said commissioners shall apportion the amount to be raised by said townships to each township in proportion to the number of acres in each that are affected by the said drainage, as shown by the said map; and when the amounts assessed upon said township or townships shall have been levied and collected, they shall be paid over by the township collectors of the respective townships to the said commissioners for the purposes for which they were appointed under this act; before proceeding to make such assessment the said commissioners shall give at least ten days' notice in a newspaper or newspapers, published in the county or counties in which the drained premises lie, that they will meet at a certain time and place to hear the views of all persons interested in the proposed assessment, at which time and place said commissioners shall meet and give full and reasonable opportunity to all persons interested to express their views, may adjourn from time to time, and shall thereupon proceed to make a just and equitable assessment of the costs and ex-

Commissioners to ascertain whole amount of costs, damages and expenses, and to make assessment upon lands specially benefited.

Commissioners to give notice of meeting.

Commissioners to make a just and equitable

assessment of costs and expenses of improvement, &c.

Owners of lands to be notified.

May reconsider acts, correct and revise assessments.

Assessment to be filed.

Notice of filing to be published.

Amount assessed—by whom collected.

Assessments to remain a first lien upon lands.

penses of said improvement, including damages for land taken or used and for water rights or privileges injured or destroyed upon the lands specially benefited by such work, and upon the township or townships concerned, as hereinafter set forth, within ten days after making such assessment; a notice shall be sent through the post office to each owner of lands so assessed, as nearly in each case as the name and address of the owner can be ascertained, and to the township committee of the township affected, stating the amount assessed against said land or against said township, as the case may be, and that said assessment will be open for inspection for the next fifteen days, and the said commissioners will then meet at a time and place, in said notice specified, to hear objections and to revise and correct, and finally confirm said assessment; at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and may reconsider said assessment, and shall make any alteration therein that they may deem just; and thereupon they shall revise, correct and finally confirm said assessment, and within ten days thereafter shall file said assessment, together with a detailed statement of the costs, damages and expenses incident to the work as ascertained by them, in the office of the court in which the proceedings in relation to the drainage in question were begun, and shall give notice of such filing by publication once a week for four weeks in a newspaper or newspapers published in the county or counties where the drained premises lie; and the determination of said commissioners, or a majority of them, shall be final and conclusive unless an appeal be taken as provided by section twelve of this act; and the said commissioners shall retain in their possession a duplicate copy of said assessment, and it shall be their duty to collect the amounts assessed and disburse the same for the purpose of carrying on and completing the drainage in question.

11. *And be it enacted*, That from and after the filing of the said assessment in the office of the said clerk, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or encumbrance thereon, and notwithstanding any

mistake in the name or names of the owner or owners thereof, or any omission to name the owner or owners thereof; and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed; and if such assessment with interest thereon be not paid within six months from the time when the same is payable, then the land upon which the said assessment is a lien shall be sold by said commissioners to pay the same, with interest thereon from the time when the same became payable, and all fees, charges and expenses of collection and sale in the same manner as land is authorized to be sold for unpaid taxes in the townships where said land lies.

Mistake or omission not to invalidate assessment.

Failure to pay assessment, lands to be sold

12. *And be it enacted*, That any person or persons feeling aggrieved by the action of the commissioners in awarding compensation for lands or property taken or used or for water rights or privileges injured or destroyed for the purposes of drainage as contemplated by this act, or by the action of the commissioners in making the assessment pursuant to section ten of this act, or any township committee feeling aggrieved by reason of the action of said commissioners in the premises, may, within forty days after the publication of the notice of filing said assessment, appeal to the court in which the proceedings were begun by serving a notice in writing upon one of the said commissioners and filing a copy of said notice with an affidavit annexed setting forth the service thereof in the office of the clerk of said court; and the said court shall have full power to review the proceedings of said commissioners in the premises, and the same or any award or assessment or other action to confirm, alter, modify, set aside or reverse in whole or in part for errors either of fact or in law; and the said court shall have full power to hear and try the same in a summary way, and may summon a jury to determine any question of fact; and the said court may proceed in due course according to the power of the court in other cases, and if the said court deem advisable, may refer back any assessment to said commissioners for them to make a new assessment under the direction of the court, and the determination of the said court shall be final and conclusive in the premises, and the said court, or any judge thereof may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken until such final determination.

Persons aggrieved by awarding of compensation for lands taken or used, &c., may appeal.

Township committee to keep ditches, drains, &c., in repair at expense of township.

13. *And be it enacted*, That whenever any ditch or ditches, drain or drains, or other channel or channels for the free passage of water shall have been constructed under this act, it shall be the duty of the township committee of the township in which [the same] are situate, to keep the same in repair at the expense of such township.

Court may extend time.

14. *And be it enacted*, That the time in which anything is required to be done in this act may be extended by the court to which the original petition was presented, for good reasons shown and on such terms and conditions as may be just, provided no rights are prejudiced thereby, and such extension may be granted after the time before limited has expired, and said court may make such other orders in the premises as they may deem just and reasonable according to law, and appoint a person to act as commissioner in place of any commissioner who shall die, resign or become otherwise disqualified to act.

Vacancies—how filled.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLIX.

An Act to authorize the abatement of nuisances in cities, and to make the cost and expense of such abatement a lien upon lands wherein such nuisances existed.

Grand jury, upon petition of five freeholders, may investigate and make presentment to court of existence of nuisances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least five freeholders, residents of any city of this state, stating that a nuisance exists upon any lots or lands within or adjacent to the boundaries of any such city, by reason of stagnant water, or because such lots or lands are not filled in sufficiently to make them dry and healthy, or because buildings are in danger of falling for want of proper foundation, shall be presented to the grand jury of the county in which such

city may be situate, it shall be the duty of such grand jury to investigate the matters contained in such petition forthwith, and for that purpose such grand jury shall have power to call and examine witnesses, and to view the premises whereon such nuisance is alleged to exist; and if such grand jury shall be of the opinion that a nuisance does exist, they shall forthwith make presentment to the court of oyer and terminer of such county, that in their judgment and opinion such nuisance does exist and should be abated.

2. *And be it enacted*, That as soon as said presentment shall have been made, it shall be the duty of the prosecutor of the pleas of such county to apply to said court of oyer and terminer to fix a time for the trial of the matters contained in such presentment, and such time having been appointed, the said prosecutor shall serve a notice upon the owner of the premises whereon such nuisance is alleged to exist, informing such owner of the time and place when and where the truth of the matters contained in such presentment will be tried, and notifying such owners to appear and make defence; which notice shall be served personally upon such owner, if found in the state, and if not so found, then said notice shall be served in such manner as the court shall order, either by publication or personal service out of the state.

Prosecutors of  
pleas to apply  
to court for  
trial of matters  
presented.

3. *And be it enacted*, That said court shall also award a venire to summon a jury, as in other trials of issues in said court; and on the day fixed for trial the said matter shall be tried, unless adjourned by order of the court, whether the owner of such premises appear or not, and such trial shall be conducted in all respects as other trials by jury in said court; and the court shall have full power and authority to make all necessary orders or rules for the speedy and expeditious determination of the matters contained in such presentment.

Court to award  
a venire to  
summon a jury  
to try cause.

4. *And be it enacted*, That if such jury shall determine that no nuisance exists as set forth in such presentment, judgment shall be entered accordingly and the costs be paid by the parties petitioning, and execution may be issued therefore; but if such jury shall determine that such nuisance does exist, then the court shall give judgment against the owner of the premises whereon such nuisance is found to exist, and also that the nuisance be abated by such early day as the court shall appoint; and if it shall appear to the court by affidavit that such nuisance has not been abated by such day, then it

Costs paid by  
petitioners if  
jury determine  
that no nuis-  
ance exists.

Judgment to be  
entered against  
owner if nuis-  
ance is found  
to exist, and  
that same be  
abated, &c.



shall be the duty of the clerk of the court to certify the judgment of the court to the municipal authorities of the city wherein such nuisance is found to be, and such authorities shall thereupon proceed to abate such nuisance in the most practical and economical manner.

**Costs and expenses of abatement to be a first lien upon the lands.**

5. *And be it enacted*, That as soon as such nuisance shall have been abated, a complete statement of the cost and expenses of such abatement shall be presented to the corporate authorities of such city, and if they approve the same such cost and expense shall thereupon become a first and paramount lien upon the lands and premises whereon such nuisance had existed, in the same manner that taxes are a lien under the charter of such city; and they shall transmit the same to the collector or receiver of the revenues of such city, who shall proceed to collect the amount of such cost and expense, as taxes and assessments for improvements are collected.

**Costs and expenses—by whom and how collected.**

**Failure to pay, lands to be sold.**

6. *And be it enacted*, That if such cost and expense of abatement be not paid to such collector or receiver within ninety days from the date of approval by the corporate authorities of such city, such collector or receiver shall return the same in like manner as return is made of unpaid taxes and assessments, and the corporate authorities shall thereupon direct the sale of the lands whereon such nuisance had been abated, and the clerk of such city shall thereupon proceed to advertise, and sell the same in the same manner as lands are sold under the charter of such city for non-payment of taxes and assessments; and a declaration of sale shall be issued to the purchaser thereof, as under sales for taxes; *provided*, that the owner of such premises or any person holding any encumbrance thereon, shall have such right to redeem such premises as is provided by the charter of such city, in cases of sale for non-payment of taxes and assessments.

**Proviso.**

**Repealer.**

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.



## CHAPTER CLXIX.

**An Act relative to interest on arrears of taxes and assessments in incorporated cities.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however, that* nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate

Taxes and assessments upon real property may be paid to collector of taxes.

Upon payment, taxes or assessments shall cease to be a lien.

Proviso.

## CHAPTER CLXI.

Supplement to an act entitled "An act for the better preservation of the early records of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and seventy-two.

Appropriation  
to procure  
copies of pa-  
pers, records,  
&c., and print-  
ing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the Historical Society of New Jersey to carry out more fully the purposes of said act and the supplements thereto, in procuring copies of all papers in the public record offices of England, or elsewhere, referring to the early history of New Jersey, and in arranging, collating, editing and printing the same, the sum of three thousand dollars annually for three years is hereby appropriated, the said sum or sums of money to be paid to the said society as required for the said purposes, by the state treasurer, on warrant of the comptroller.

Volumes to be  
deposited in  
the state  
library.

2. *And be it enacted*, That the printed volumes, as completed, shall be deposited with the commissioners of the state library, and that each issue shall be distributed by them as follows: five hundred copies to the New Jersey Historical Society, for its use, and for distribution among other historical institutions; the remainder to be by the said commissioners distributed among the various state and other public libraries of the United States, that they may designate, and to the various departments and offices of this state, and to the officers in charge thereof.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXII.

Supplement to an act entitled "An act concerning mortgages."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful to foreclose any chattel mortgage not exceeding the principal sum of two hundred dollars, in the inferior court of common pleas in the county where the chattel mortgage is recorded, and the proceedings of foreclosure thereon shall be begun by summons, and the action be styled an action "in debt on foreclosure of chattel mortgage;" and that the complainant file, with his declaration, the chattel mortgage and note or other obligation (if any accompanying it), and the proceedings in all other respects be conducted as other suits in action of debt are conducted.

Chattel mortgages not exceeding two hundred dollars, may be foreclosed in inferior court of common pleas.

2. *And be it enacted*, That the costs of a suit upon foreclosure under this act be one-half of the costs of suits as now are allowed by law in the inferior court of common pleas, and, upon judgment, execution shall issue for and against the chattels specified in the mortgage, for the amount of judgment and costs only.

Costs of foreclosure.

3. *And be it enacted*, That this shall be a public act, to take effect immediately, and all acts and parts of acts inconsistent with the same be and the same are hereby repealed.

Execution to issue against chattels specified in mortgage.

Repealer.

Approved March 24, 1881.

## CHAPTER CLXIII.

An Act to repeal an act entitled "A further act respecting county physicians," approved March thirteenth, one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further act respecting county physicians," approved March thirteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXIV.

An Act providing for the establishment of schools for industrial education.

Preamble.

WHEREAS, The establishment of well conducted and liberally supported schools for the training and education of pupils in industrial and mechanical pursuits must tend to supply a growing want in our community of skilled mechanics, artisans and agriculturists; *and whereas*, it is especially the duty of the state to afford good educational facilities to its youth in those technical studies which are directly associated with the material prosperity of its people; therefore,

Governor authorized to draw amount of money equal to amount contributed for the establishment of schools for industrial education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of education, school committee, or other like body, of any city, town, or township in this state, shall certify to the governor that a sum of money, not less than three thousand dollars, has been contributed by voluntary subscriptions of citizens, or otherwise, as hereinafter authorized, for the establishment in any such city, town or township of a school or schools for industrial education, it shall be the duty of the said governor to cause to be drawn, by warrant of the comptroller, approved by himself, out of any moneys in the state treasury not otherwise appropriated, an amount equal to that contributed by the particular locality as aforesaid for the said object; and when any such school or schools shall have been established in any

locality as aforesaid, there shall be annually contributed by the state, in manner aforesaid, for the maintenance and support thereof, a sum of money equal to that contributed each year in said locality for such purpose; *provided, however,* that the moneys contributed by the state, as aforesaid, to any locality shall not exceed in any one year the sum of five thousand dollars.

2. *And be it enacted,* That all moneys raised and contributed as aforesaid shall be applied under the direction of a board of trustees, organized as hereinafter provided, to the establishment and support of schools for the training and education of pupils in industrial pursuits (including agriculture), so as to enable them to perfect themselves in the several branches of industry which require technical instruction.

3. *And be it enacted,* That any city, town or township shall have power to appropriate and raise by tax for the support of any such school therein, such sum of money as they may deem expedient and just.

4. *And be it enacted,* That there shall be a board of trustees of each of such schools, which shall consist of the governor, ex-officio, who shall be president thereof, two persons selected by the state board of education, two by citizens and associations contributing, two by the board of education, school committee, or other like body of the locality where such school is established, and one by the common council, township committee, or other governing body thereof, if such city, town or township shall contribute to the maintenance of such school; the said board of trustees shall have control of the buildings and grounds owned and used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state and local boards of education their own doings and the progress and condition of the schools.

5. *And be it enacted,* That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties, shall be paid upon the approval of the governor.

Repealer.

6. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall go into effect immediately.

Approved March 24, 1881.

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## CHAPTER CLXVI.

A Further Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Public records  
of any foreign  
state, &c., to be  
admitted as  
evidence.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public record of any foreign state, county or city, or of any court therein, or any copy thereof, which is admissible in such state, county or city or in any court therein to prove the facts therein contained, shall be admitted in evidence in the courts of this state, and shall be evidence of the facts therein contained to the same extent as though the original papers, of which the record thereof is a copy, had been produced and proved; *provided*, that wherever a copy of any such record shall be offered in evidence, the same shall not be admitted, unless the same shall have been first exemplified according to the laws of the United States of America.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXVII.

A Supplement to an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement be and the same is hereby amended so that that the said amended section shall be and read as follows :

2. *And be it enacted*, That if any person shall be found offending in any county, city, township, borough or district in this state, against this act, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey such person to a justice of the peace or other magistrate of such place, who shall examine such person, and may commit him or her, being thereof legally convicted before him by the oath or affirmation of one or more credible witnesses, other than the officer making the arrest, to labor upon any county farm, or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poor house, work house or common jail, for a term not exceeding six months ; and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor house, work house or common jail, or to the supervisor or overseer of highways, street commissioners, or any other officer or officers having in charge the repairs of any street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in their judgment shall be deemed most expedient.

Constable or police officer to apprehend and convey offender before a magistrate.

Magistrate may commit person to labor upon county farm, streets, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

Repealer.

6. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall go into effect immediately.

Approved March 24, 1881.

## CHAPTER CLXVI.

A Further Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Public records  
of any foreign  
state, &c., to be  
admitted as  
evidence.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public record of any foreign state, county or city, or of any court therein, or any copy thereof, which is admissible in such state, county or city or in any court therein to prove the facts therein contained, shall be admitted in evidence in the courts of this state, and shall be evidence of the facts therein contained to the same extent as though the original papers, of which the record thereof is a copy, had been produced and proved; *provided*, that wherever a copy of any such record shall be offered in evidence, the same shall not be admitted, unless the same shall have been first exemplified according to the laws of the United States of America.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 24, 1881.



## CHAPTER CLXVII.

A Supplement to an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement be and the same is hereby amended so that that the said amended section shall be and read as follows: Section amended.

2. *And be it enacted*, That if any person shall be found offending in any county, city, township, borough or district in this state, against this act, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey such person to a justice of the peace or other magistrate of such place, who shall examine such person, and may commit him or her, being thereof legally convicted before him by the oath or affirmation of one or more credible witnesses, other than the officer making the arrest, to labor upon any county farm, or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poor house, work house or common jail, for a term not exceeding six months; and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor house, work house or common jail, or to the supervisor or overseer of highways, street commissioners, or any other officer or officers having in charge the repairs of any street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in their judgment shall be deemed most expedient. Constable or police officer to apprehend and convey offender before a magistrate.  
Magistrate may commit person to labor upon county farm, streets, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXVIII.

Supplement to an act entitled "An act in relation to encumbered cities," approved March seventeenth, one thousand eight hundred and eighty-one.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement shall be and is hereby amended so as to read as follows :

Annual interest on bonds issued and exchanged, to be raised by taxation.

4. *And be it enacted*, That the annual interest on such bonds as shall be so issued and exchanged, shall be raised by taxation by the proper authorities of any such city, for that purpose, together with such sum as shall be levied by such city council or other legislative body, for application to a sinking fund for the payment of the principal thereof, if any, and such interest and sum for principal, if any, shall be raised by taxation and paid by the proper municipal authorities of any such city before the interest on any bonds or other evidences of the indebtedness of such city, in existence at the time of the issue of the bonds authorized by this act, or the principal, or any part thereof, of any indebtedness of such city arising after the execution of the bonds authorized by this act, except such temporary indebtedness as may be incurred in any one year in anticipation of taxes for the current expenses of the city government for that year; and this supplemental act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXIX.

**An Act relative to interest on arrears of taxes and assessments in incorporated cities.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however, that* nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate

Taxes and assessments upon real property may be paid to collector of taxes.

Upon payment, taxes or assessments shall cease to be a lien.

Proviso.

Proviso.

for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *and provided further*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXX.

A Further Supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Appropriation  
to state library.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifteen hundred dollars be and the same is hereby appropriated for the improvement and increase of the state library, the said sum to be drawn from the treasury of the state by the commissioners of the state library and expended under their direction in the repair, preservation and purchase of useful books.

Appropriation  
for fire-proof  
safe.

2. *And be it enacted*, That the sum of five hundred dollars is hereby appropriated for the purchase of a fire-proof safe, to be placed in the state library, in which shall be kept such manuscripts, autograph letters, records and other papers as the commissioners of the state library shall deem valuable; that said purchase shall be effected and said sum shall be drawn from the treasury of the state by the commissioners of the state library.

Repealer.

3. *And be it enacted*, That all acts or parts of acts in conflict herewith, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXI.

An Act providing for the support of the State Industrial School for Girls.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Appropriation.</sup> *the State of New Jersey,* That for the support and maintenance of the state industrial school for girls, and for necessary repairs, the sum of seven thousand five hundred dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXII.

An Act to amend an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Section amended.</sup> *the State of New Jersey,* That section sixteen of the act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, be so amended as to read as follows:

16. *And be it enacted,* That the fees, charges and expenses <sup>Fees, expenses, &c., for services to be included in</sup> incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon

amount to be paid by delinquent.

Clerk of county to satisfy tax record on presentation of receipt.

Repealer.

payment of such taxes, costs and expenses, the collector who shall receive the same, shall give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt shall be sufficient evidence of the payment of such tax, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as the record of mortgages is now by law satisfied, and shall file such receipt in his office.

2. *And be it enacted*, That so much of said act as is inconsistent with the provisions of this act be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXIII.

An Act to amend and to partially consolidate the several game laws of this state.

Penalty for killing or selling woodcock between certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, no person shall kill, take, expose for sale, or have unlawfully in his or her possession, after the same has been killed, any woodcock, except only between the first day of July and the first day of August, and between the last day of September and the sixteenth day of December, in any year, under a penalty of fifteen dollars for each bird killed; taken, exposed for sale, or had in possession, contrary to the provisions of this section.

Penalty for killing or exposing for sale any grouse, quail or rabbit between certain times.

2. *And be it enacted*, That no person shall kill, take expose for sale, or have unlawfully in his or her possession, after the same has been killed, any ruffed grouse (commonly called pheasant), or quail (sometimes called Virginia partridge), except only between the last day of October and the last day of December, in any year, or any rabbit between the last day of October and the last day of December in any year, under a penalty of fifteen dollars for each rabbit, grouse or quail

killed, taken, exposed for sale, or had in possession, contrary to the provisions of this section.

3. *And be it enacted*, That the penalties imposed by this act may be sued for and recovered, with costs of suit, in an action of debt, by any person, before any judge of any city district court in, or justice of the peace of, the county wherein such offence shall have been committed, or in any county wherein such offender may reside or be apprehended; two-thirds of such penalty money shall be for the benefit of the person prosecuting the same, and the remaining one-third shall be paid to the collector of the township wherein the offence shall have been committed, for the use of the township; and in case the defendant in any suit shall neglect or refuse to pay the amount recovered against him, or her, it shall be lawful for the judge or justice, before whom judgment has been obtained, to issue his process against the body of the defendant, and he shall cause him to be committed to the jail of the county in which the offence was committed, until the judgment and costs are paid, the imprisonment, however, not to exceed sixty days from the date of such commitment. Penalties—how  
sued and re-  
covered.

4. *And be it enacted*, That all laws now existing, relative to the preservation of game treated of in this act, be and the same are, so far as the same are inconsistent with this act, but no farther, hereby repealed. Repealer.

5. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXIV.

### An Act exempting firemen from taxation.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all members of an organized volunteer fire department of any town, city, borough or township of this state, under the control of any town committee, common council or municipal corporation, which are now or Members of  
volunteer fire  
departments  
exempt from  
payment of  
taxes to  
amount of five  
dollars.

may hereafter be established, shall be exempt from the payment of taxes to said town, township, city and borough, to the extent and in the manner following, to wit: If the sum, at any one time, assessed by any assessor upon any member of said fire department, shall not exceed the sum of five dollars, then such member shall be exempt from the payment of taxes upon such assessment; if the sum, at any time, exceeds the sum of five dollars assessed against any member, then such member shall have credit for the sum of five dollars on the amount assessed against such member, and the amount over and above said five dollars shall be paid by said member, or collected in the same way and manner as directed for the collection of taxes.

Certificate of  
chief engineer,  
assistant or  
mayor, vouch-  
er and author-  
ity for assessor  
and collector.

2. *And be it enacted*, That the certificate of the chief engineer, or of the assistant engineer, or of the mayor, or either of them, shall be a sufficient voucher and authority for the assessor of any township, city, town or borough, or the collector of taxes of any town, city, borough or township, to deduct the sum of five dollars from any tax assessed by any assessor against any member of a volunteer fire department under the control of any town committee, common council or any other municipal authority, by law authorized to organize a fire department.

3. *And be it enacted*, That this act shall take effect immediately, and any act or part of act conflicting with this act is hereby repealed.

Approved March 24, 1881.

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## CHAPTER CLXXV.

An Act relative to a proposed international exposition to be held in New York in the year one thousand eight hundred and eighty-three.

Preamble.

WHEREAS, It is proposed to hold an international exposition in the city of New York in the year one thousand eight hundred and eighty-three, and it is proper that timely



preparation be made to care for the interests of the state of New Jersey in connection therewith ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be, and he is hereby authorized and requested to nominate, and by and with the advice and consent of the senate, to appoint commissioners from this state to co-operate with the United States international commission, formed for the purpose of holding the said exhibition. Governor authorized to appoint commissioners.

2. *And be it enacted*, That of the commissioners so appointed, one shall be from each congressional district of this state, and shall be a resident of such district, and the person so appointed, together with the United States commissioners from this state, shall constitute a board whose duty it shall be to co-operate with the United States international commission in forwarding and encouraging the object of the said commission ; to stimulate and encourage such action as will secure a proper representation of the several industries and interests of this state in the proposed exhibition ; they shall disseminate throughout the state such information as will enable the [manufacturers] and producers of New Jersey to take such timely action as may be necessary, and they shall organize, direct and have general supervision of the department of this state in the proposed exhibition. Commissioners to be resident of congressional district. Duties of commissioners.

3. *And be it enacted*, That the said board shall effect an organization on or before the first day of June, one thousand eight hundred and eighty-one, by the election from their number of such officers as they may deem necessary ; they may elect a secretary not of their own number ; they shall continue in office until the business of the said exhibition, so far as it effects or is connected with this state, is completed and settled ; they shall receive no compensation for their services, but their bills for stationery, postage, and such other necessary and reasonable expenses as they may incur in the discharge of their duties, shall be paid from the state treasury upon the warrant of the comptroller, upon such vouchers as he shall require. Board to meet and organize. Expenses of commission—how paid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXVI.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, in the year one thousand eight hundred and seventy-five.

**Actions here-  
after com-  
menced affect-  
ing or concern-  
ing title to  
lands, may be  
proceeded  
against person  
claiming any  
right, title, &c.,  
or his heirs,  
devisees, &c.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions hereafter commenced in the court of chancery of New Jersey, by bill of complaint affecting or concerning the title to any lands lying in the state of New Jersey, mentioned and described in said bill, whenever it shall appear by the allegations of the said bill of complaint, duly verified by the affidavit of the complainant or his agent or solicitor thereto annexed, that any person mentioned in said bill of complaint as having or having had, or claiming or having claimed, or believed by the complainant to claim or to have claimed any right, title, interest or estate in or to said lands or any part thereof, or his heirs, devisees or personal representatives are proper parties defendant to said bill of complaint; and that the complainant, after diligent and careful inquiry therefor, made as in case of absent defendants, has been unable to ascertain whether such person is still alive, or if he is known or believed to be dead, has been unable to ascertain the names and residence of his heirs, devisees or personal representatives, or of such of them as are proper parties defendant as aforesaid, such action may proceed against such person by name, and his heirs, devisees and personal representatives as in the case of absent defendants whose names are known; *provided, nevertheless*, that such notice as is now required by law to be published against absent defendants in default of personal service, addressed to such person by name, and to "his heirs, devisees and personal representatives," and containing such further statements, and giving such further time as the chancellor may by his order direct, be first published and mailed in such manner as the chancellor may by his order in said action direct; and in case such person, or

**proviso.**

2. *And be it enacted*, That said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this act mentioned and contained, that is to say :

Consolidation to be made under certain conditions and powers.

I. The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of the company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence ; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads ;

To enter into joint agreement for consolidation, prescribing terms and conditions, &c.

II. Said agreement shall be submitted to the stockholders of each of said companies or corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration ; due notice of the time and place of holding such meeting, and the object thereof, and delivered to such persons respectively, or sent to them by mail, when their post-office address is known to the company ; and, also, by a general notice published in some newspaper in the city, town, or county where such company has its principal office or place of business ; and at said meeting of stockholders the agreement of the said directors shall be considered, and a vote, by ballot, taken by each company separately, for the adoption or rejection of the same, each share entitling the holder thereof to one vote ; and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders voting separately shall be for adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof ; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall, from thence, be deemed and taken to be the agreement and act of consolidation of the said companies ; and a copy of said agreement and act of consolidation, duly certified by the secretary of state,

Agreement to be submitted to stockholders of each corporation.

When adopted by two thirds vote of stockholders, agreement or copy to be filed in office of secretary of state.

Proviso.

perfect or indefeasible title to lands which it was authorized to acquire for its track or other corporate purpose, or the title originally acquired shall have been defeated or extinguished, it shall be lawful for such company to acquire any such lands or outstanding estate, or interest therein, and perfect its title thereto, in the manner prescribed by the act or acts under which such railroad, or any part thereof, may have been originally constructed, or by the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, so far as the same relates to the acquisition of land for railroad purposes; *provided*, that nothing herein contained shall be construed to authorize the taking of a greater quantity of land or lands for any other purpose or use, than was authorized by the act or acts under which such railroad was originally constructed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

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## CHAPTER CLXXVIII.

An Act to authorize railroad companies incorporated under the laws of this and adjoining states, to merge and consolidate their corporate franchises and other property.

Railroad companies or corporations authorized to merge and consolidate capital stock, franchises, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company or corporation, organized under the laws of this state, to merge and consolidate their capital stock, franchises and property, with those of any railroad company or companies of this or any adjoining state, whenever the said railroads so to be consolidated shall or may form a continuous line of railroad.

2. *And be it enacted*, That said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this act mentioned and contained, that is to say :

Consolidation to be made under certain conditions and powers.

I. The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of the company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence ; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads ;

To enter into joint agreement for consolidation, prescribing terms and conditions, &c.

II. Said agreement shall be submitted to the stockholders of each of said companies or corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration ; due notice of the time and place of holding such meeting, and the object thereof, and delivered to such persons respectively, or sent to them by mail, when their post-office address is known to the company ; and, also, by a general notice published in some newspaper in the city, town, or county where such company has its principal office or place of business ; and at said meeting of stockholders the agreement of the said directors shall be considered, and a vote, by ballot, taken by each company separately, for the adoption or rejection of the same, each share entitling the holder thereof to one vote ; and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders voting separately shall be for adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof ; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall, from thence, be deemed and taken to be the agreement and act of consolidation of the said companies ; and a copy of said agreement and act of consolidation, duly certified by the secretary of state,

Agreement to be submitted to stockholders of each corporation.

When adopted by two thirds vote of stockholders, agreement or copy to be filed in office of secretary of state.

Proviso.

for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *and provided further*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXX.

A Further Supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Appropriation  
to state library.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifteen hundred dollars be and the same is hereby appropriated for the improvement and increase of the state library, the said sum to be drawn from the treasury of the state by the commissioners of the state library and expended under their direction in the repair, preservation and purchase of useful books.

Appropriation  
for fire-proof  
safe.

2. *And be it enacted*, That the sum of five hundred dollars is hereby appropriated for the purchase of a fire-proof safe, to be placed in the state library, in which shall be kept such manuscripts, autograph letters, records and other papers as the commissioners of the state library shall deem valuable; that said purchase shall be effected and said sum shall be drawn from the treasury of the state by the commissioners of the state library.

Repealer.

3. *And be it enacted*, That all acts or parts of acts in conflict herewith, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXI.

An Act providing for the support of the State Industrial School for Girls.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Appropriation.</sup> *the State of New Jersey,* That for the support and maintenance of the state industrial school for girls, and for necessary repairs, the sum of seven thousand five hundred dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXII.

An Act to amend an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Section amended.</sup> *the State of New Jersey,* That section sixteen of the act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, be so amended as to read as follows:

16. *And be it enacted,* That the fees, charges and expenses <sup>Fees, expenses, &c., for services to be included in</sup> incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon

amount to be paid by delinquent.

Clerk of county to satisfy tax record on presentation of receipt.

Repealer.

payment of such taxes, costs and expenses, the collector who shall receive the same, shall give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt shall be sufficient evidence of the payment of such tax, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as the record of mortgages is now by law satisfied, and shall file such receipt in his office.

2. *And be it enacted*, That so much of said act as is inconsistent with the provisions of this act be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXIII.

An Act to amend and to partially consolidate the several game laws of this state.

Penalty for killing or selling woodcock between certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, no person shall kill, take, expose for sale, or have unlawfully in his or her possession, after the same has been killed, any woodcock, except only between the first day of July and the first day of August, and between the last day of September and the sixteenth day of December, in any year, under a penalty of fifteen dollars for each bird killed; taken, exposed for sale, or had in possession, contrary to the provisions of this section.

Penalty for killing or exposing for sale any grouse, quail or rabbit between certain times.

2. *And be it enacted*, That no person shall kill, take expose for sale, or have unlawfully in his or her possession, after the same has been killed, any ruffed grouse (commonly called pheasant), or quail (sometimes called Virginia partridge), except only between the last day of October and the last day of December, in any year, or any rabbit between the last day of October and the last day of December in any year, under a penalty of fifteen dollars for each rabbit, grouse or quail



killed, taken, exposed for sale, or had in possession, contrary to the provisions of this section.

3. *And be it enacted*, That the penalties imposed by this act may be sued for and recovered, with costs of suit, in an action of debt, by any person, before any judge of any city district court in, or justice of the peace of, the county wherein such offence shall have been committed, or in any county wherein such offender may reside or be apprehended; two-thirds of such penalty money shall be for the benefit of the person prosecuting the same, and the remaining one-third shall be paid to the collector of the township wherein the offence shall have been committed, for the use of the township; and in case the defendant in any suit shall neglect or refuse to pay the amount recovered against him, or her, it shall be lawful for the judge or justice, before whom judgment has been obtained, to issue his process against the body of the defendant, and he shall cause him to be committed to the jail of the county in which the offence was committed, until the judgment and costs are paid, the imprisonment, however, not to exceed sixty days from the date of such commitment.

Penalties—how  
sued and re-  
covered.

4. *And be it enacted*, That all laws now existing, relative to the preservation of game treated of in this act, be and the same are, so far as the same are inconsistent with this act, but no farther, hereby repealed.

Repealer.

5. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect immediately.

Approved March 24, 1881.

## CHAPTER CLXXIV.

### An Act exempting firemen from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all members of an organized volunteer fire department of any town, city, borough or township of this state, under the control of any town committee, common council or municipal corporation, which are now or

Members of  
volunteer fire  
departments  
exempt from  
payment of  
taxes to  
amount of five  
dollars.

may hereafter be established, shall be exempt from the payment of taxes to said town, township, city and borough, to the extent and in the manner following, to wit: If the sum, at any one time, assessed by any assessor upon any member of said fire department, shall not exceed the sum of five dollars, then such member shall be exempt from the payment of taxes upon such assessment; if the sum, at any time, exceeds the sum of five dollars assessed against any member, then such member shall have credit for the sum of five dollars on the amount assessed against such member, and the amount over and above said five dollars shall be paid by said member, or collected in the same way and manner as directed for the collection of taxes.

Certificate of  
chief engineer,  
assistant or  
mayor, vouch-  
er and author-  
ity for assessor  
and collector.

2. *And be it enacted*, That the certificate of the chief engineer, or of the assistant engineer, or of the mayor, or either of them, shall be a sufficient voucher and authority for the assessor of any township, city, town or borough, or the collector of taxes of any town, city, borough or township, to deduct the sum of five dollars from any tax assessed by any assessor against any member of a volunteer fire department under the control of any town committee, common council or any other municipal authority, by law authorized to organize a fire department.

3. *And be it enacted*, That this act shall take effect immediately, and any act or part of act conflicting with this act is hereby repealed.

Approved March 24, 1881.

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## CHAPTER CLXXV.

An Act relative to a proposed international exposition to be held in New York in the year one thousand eight hundred and eighty-three.

Preamble.

WHEREAS, It is proposed to hold an international exposition in the city of New York in the year one thousand eight hundred and eighty-three, and it is proper that timely

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

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## CHAPTER CLXXXII.

An Act to repeal an act incorporating the inhabitants of townships, designating their powers and regulating their meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, approved March fourth, one thousand eight hundred and eighty, be and is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

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## CHAPTER CLXXXIII.

Supplement to an act entitled "An act to regulate the manufacture in the state of nitro-glycerine and its compounds," approved March twenty-fourth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of this act be extended to, embrace, and include the manufacturing and storing of nitro-naphthaline, blasting powder, or any material of Provisions of act extended, to include the manufacturing of certain mater.

## CHAPTER CLXXVI.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, in the year one thousand eight hundred and seventy-five.

**Actions here-  
after com-  
menced affect-  
ing or concern-  
ing title to  
lands, may be  
proceeded  
against person  
claiming any  
right, title, &c.,  
or his heirs,  
devisees, &c.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions hereafter commenced in the court of chancery of New Jersey, by bill of complaint affecting or concerning the title to any lands lying in the state of New Jersey, mentioned and described in said bill, whenever it shall appear by the allegations of the said bill of complaint, duly verified by the affidavit of the complainant or his agent or solicitor thereto annexed, that any person mentioned in said bill of complaint as having or having had, or claiming or having claimed, or believed by the complainant to claim or to have claimed any right, title, interest or estate in or to said lands or any part thereof, or his heirs, devisees or personal representatives are proper parties defendant to said bill of complaint; and that the complainant, after diligent and careful inquiry therefor, made as in case of absent defendants, has been unable to ascertain whether such person is still alive, or if he is known or believed to be dead, has been unable to ascertain the names and residence of his heirs, devisees or personal representatives, or of such of them as are proper parties defendant as aforesaid, such action may proceed against such person by name, and his heirs, devisees and personal representatives as in the case of absent defendants whose names are known; *provided, nevertheless*, that such notice as is now required by law to be published against absent defendants in default of personal service, addressed to such person by name, and to "his heirs, devisees and personal representatives," and containing such further statements, and giving such further time as the chancellor may by his order direct, be first published and mailed in such manner as the chancellor may by his order in said action direct; and in case such person, or

**Proviso.**

## CHAPTER CLXXXV.

A Further Supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities from fire insurance companies not organized under the laws of this state but doing business herein," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sums of money now in the hands of, or that may hereafter be received by the secretary of state from the insurance companies, on account of the license and tax of two per centum, and of all payments in lieu of said tax as are now or may hereafter be required by law to be paid by such companies, shall be by him distributed in equal shares to and among the treasurers of the several fire department relief funds, organized and maintained in this state, said distribution to be made on or before the first day of April in each year, but no such fire department relief association shall be entitled to or receive any distributive share of said money, unless it shall, before the first day of April in each year, file with the secretary of state a sworn statement, showing the names of its officers, with the amount of their respective fees, or salaries, if any, the names of its beneficiaries during or within the year next preceding such statement, the amount of money paid to each of such beneficiaries, and the amount of money, and of all other property in the possession of such association at the date of making said statement; and the secretary of state shall annually, on the first day of April, make a complete report to the comptroller of the amount of money distributed by him in accordance with the provisions of this act.

Secretary of state to distribute premiums received from foreign fire insurance to fire department relief funds.

Associations to file, annually, a statement of condition, &c., with secretary of state.

Secretary of state to make report to comptroller.

2. *And be it enacted*, That this shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CLXXXVI.

## An Act for the protection of fish.

When unlawful to cast or draw with net in Delaware river, &c., above Trenton falls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to cast or draw any seine or net of a mesh of smaller size than four and one-half inches in the Delaware river above the foot of Trenton falls, between the first day of April and the fifteenth day of June in each year; and it shall not be lawful to cast or draw any seine or net in said river above the foot of Trenton falls, between the fifteenth day of June and the first day of November in any year, excepting small mesh nets used for the purpose of catching bait, and known as minnow nets.

Unlawful to catch black bass except with hook and line.

2. *And be it enacted*, That it shall not be lawful to take at any time in any of the waters under the jurisdiction of this state, any black bass or Oswego bass, with any contrivance or device, excepting with hook and line, in the manner commonly known as angling, or with scroll, spoon or artificial bait, in the manner usually known as trolling, nor shall it be lawful to place any set lines in the waters of this state inhabited by black bass, Oswego bass, landlocked salmon, salmon trout or brook trout.

When unlawful to catch black bass.

3. *And be it enacted*, That it shall not be lawful for any person to take from any of the waters under the jurisdiction of this state any black bass, or Oswego bass, before the first day of July, nor after the first day of November in any year.

When unlawful to place fyke nets.

4. *And be it enacted*, That it shall not be lawful to place any fyke nets in any of the waters under the jurisdiction of this state before the fifteenth day of June, nor after the tenth day of August; and it shall not be lawful at any time to place fyke nets at the confluence of any wing-dams in any of the streams of this state.

5. *And be it enacted*, That it shall not be lawful for any person to place in any of the streams of this state, which are runways of migratory fish, shingles, or other devices, to frighten the said fish, or deter them from ascending the said streams on their way to their spawning grounds.

Unlawful to place devices in streams to frighten fish.

6. *And be it enacted*, That when any of the lakes, ponds or streams in this state have been stocked with game or food fishes by the commissioners of fisheries of this state at the public expense, it shall be unlawful to take fish from any of the said waters for the term of three years from the date of such stocking.

Unlawful to take fish from lakes, ponds, &c., stocked with game or food fishes.

7. *And be it enacted*, That the penalty for the violation of any of the provisions of this act shall be twenty-five dollars for each offence; and it shall be the duty of the fish wardens of the several counties of this state to enforce this act by the removal and destruction of any of the appliances herein forbidden, and by the arrest and prosecution of any offenders against the provisions of this act.

Penalty for violating the provisions of this act.

8. *And be it enacted*, That nothing in this act shall be construed to prevent the commissioners of fisheries of this state to take or to have taken under their direction fish from any of the waters of this state, at any time, for purposes connected with the performance of their duties.

Act not to be construed to prevent commissioners of fisheries in performance of duties.

9. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby abrogated and repealed, and this act shall take effect immediately.

Repealer.

Approved March 25, 1881.

## CHAPTER CLXXXVII.

### An Act concerning railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company incorporated under the laws of any other state, when it has consolidated or merged its stock, property or franchises with any railroad company incorporated under the

Railroad companies consolidated may borrow money to finish, extend and equip road,

and to issue  
bonds and se-  
cure same by  
mortgage.

Proviso.

laws of this state, under the provisions of any law or statute relating thereto, to borrow any amount of money to aid in finishing, extending and equipping their railroad; to issue coupon bonds therefor, of the denomination of one thousand dollars each, and secure the payment of the same by a mortgage covering the whole or any part of the property and franchises so merged and consolidated; and said mortgage shall be a valid lien when properly executed and recorded upon the property therein described; *provided, however,* said bonds shall bear no greater rate of interest than six per centum per annum.

2. *And be it enacted,* That this act shall take effect immediately.

3. *And be it enacted,* That all acts and parts of acts inconsistent herewith, shall be void.

Approved March 25, 1881.

## CHAPTER CLXXXVIII.

An Act to amend and supplement "An act relative to habitual drunkards," approved March third, one thousand eight hundred and fifty-three.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one of the act entitled "An act relative to habitual drunkards," approved March third, one thousand eight hundred and fifty-three, be and the same is hereby amended so as to read as follows:

Court of chan-  
cery author-  
ized to issue  
commission to  
inquire into  
the habitual  
drunkenness of  
person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the court of chancery to issue a commission in the nature of a writ de lunatico inquirendo, as heretofore practiced and allowed, and returnable thereto, to inquire into the habitual drunkenness of any person in this state, and in case of habitual drunkenness found, by reason of which such habitual drunkard has become incapable of controlling or managing himself or his estate, or is wasting his estate, the chancellor shall cause to be



transmitted to the orphans' court of the county where such habitual drunkard may reside, a certified copy of all proceedings which may be had thereon, which shall be recorded and filed in the surrogate's office of said county, and thereupon the said orphans' court, upon application for that purpose, is hereby directed and required to appoint a guardian or guardians for such habitual drunkard, who shall have the same power over the person and estate of such habitual drunkard, and perform the same duties and be subject to the same liabilities, as are conferred on and required of the guardian or guardians of an idiot or lunatic, by the act entitled "An act concerning idiots and lunatics," approved April sixteenth, one thousand eight hundred and forty-six. That it shall be lawful for the chancellor, on application of the guardian or guardians of any such habitual drunkard, to make such order for the safe keeping of such habitual drunkard as he may deem necessary, with a view to his reformation, and from time to time to alter or modify the same, and to that end may authorize the guardian or guardians to place such habitual drunkard in a state asylum for lunatics, or in such other proper retreat as the chancellor may order; and when such order is made for the keeping of such habitual drunkard in a state asylum, such guardian or guardians shall be required to give security in such amount and form as the chancellor shall direct, for the payment of the expense of keeping such habitual drunkard therein.

Orphans' court required, when application to appoint guardian.

Chancellor, upon application of guardian, may make order for safe keeping of drunkard.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CLXXXIX.

An Act relative to sales of lands for delinquent taxes, made in townships of this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when any sale of lands for de-

Sales of lands for delinquent taxes not to be

vacated or set aside by court in any suit, and sales shall be deemed valid.

Proviso.

Sales of lands not to be vacated or set aside in any suit for any defects, except on certain conditions.

linquent taxes has been made prior to to the year eighteen hundred and eighty, or shall hereafter, be made in any township of this state, by any township committee or township officer, under the provisions of any general or special law of this state such sale, with the proceedings founded thereon, shall not be vacated or set aside by any court of this state, in any suit hereafter brought for the review of such sale or proceedings, on account of any insufficiency of the description of said lands assessed in the assessors' duplicate, or failure of the township clerk to record in the township book of minutes of the proceedings relative to such sales, but such sales, notwithstanding such defects, shall be deemed valid ; *provided*, it can be shown by other legal evidence that the lands so sold for taxes were the lands intended to be assessed, and that the sale thereof was made in compliance with the provisions of the law, and it is hereby made and provided that it shall be lawful in all cases to offer such evidence.

2. *And be it enacted*, That when any such sale has been made to the inhabitants of any township of this state, under the provisions of any general or special law, such sale, and the proceedings thereon, if the assessment itself is valid, shall not be vacated or set aside in any suit hereafter brought, in any court of this state, for any of the aforementioned defects, except on conditions that the amount of the tax assessed, with all arrears of interest, be paid or tendered by the party prosecuting such suit, to the treasurer of the township committee of such township, within such time as the court shall direct, and on failure of the party to make such payment within the time limited, the said sale and proceedings shall be confirmed with costs.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXC.

An Act for the relief and protection of workmen in the purchase of store goods and supplies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any manufacturer, firm, company or corporation, their agents, clerks or superintendents, in this state, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's firm's, company's or corporation's store. Unlawful for manufacturer, &c., to attempt to control employees or laborers in the purchase of store goods, &c.

2. *And be it enacted*, That any manufacturer, firm, company or corporation offending against the provisions of this act, the same shall be a misdemeanor, and on conviction in any court having jurisdiction thereof, shall be fined not to exceed one hundred dollars, with costs of suit, for each offence, to be sued by and for the benefit of any citizen of the state. Penalty for violation of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCI.

A Supplement to an act "For the punishment of crimes"  
[Revision], approved March twenty-seventh, one thousand  
eight hundred and seventy-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-five of the act to which this a supplement be and the same is hereby amended so as to be and read as follows, viz. :

Penalty for  
causing or pro-  
curing miscar-  
riage, &c.

75. *And be it enacted*, That if any person maliciously or without lawful justification, with intent to cause and procure the miscarriage of a woman then pregnant with child, shall administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug or medicine, or noxious thing, and if any person or persons, maliciously and without lawful justification, shall use any instrument or means whatever, with the like intent, he shall, on conviction thereof, be adjudged guilty of a high misdemeanor; and if the woman or child die in consequence thereof, shall be punished by fine not exceeding five thousand dollars, or imprisonment at hard labor for a term not exceeding fifteen years, or both, at the discretion of the court; and in case the woman or child do not die in consequence thereof, such offender, on conviction thereof, shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding five years, or both, in the discretion of the court before whom such conviction shall be had.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCII.

## An Act to prevent the manufacture and sale of adulterated lard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall knowingly sell or exchange, or expose for sale or exchange, any impure or adulterated lard, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than fifty dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than sixty days, or both, in the discretion of the court; *provided*, that all persons who shall sell, or expose for sale or exchange such adulterated lard with the words "adulterated and impure lard" plainly and durably stamped in plain letters on each and every firkin, tierce, package or box, in a suitable and conspicuous place, or in case of retail sales each parcel or package shall be stamped or labelled as above provided, with the words "adulterated and impure lard" are hereby declared to be exempt from the penalty of this section of this act.

Penalty for  
selling or ex-  
posing for sale  
impure or adul-  
terated lard.

Proviso.

2. *And be it enacted*, That any person or persons who shall manufacture or refine lard, and shall add thereto fat of other animals than swine, or any chemical substance, and offer the product thereof for sale, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than sixty days; *provided*, that if the packages of every description containing such adulterated lard shall be plainly marked or stamped before or when the same is sold or exchanged, or exposed for sale or exchange, with the words "adulterated and impure lard," as is provided in section one of this act, then the persons who shall refine, sell, or expose for sale or exchange, the same shall be exempt from the penalty of this act.

Penalty for  
manufacturing  
adulterated  
lard.

Proviso.

Penalty for rendering and exposing for sale fat of diseased swine.

3. *And be it enacted*, That any person or persons who shall render, or cause to be rendered, swine, or the fat of swine, that have died a natural death, by disease or in transportation to market, and expose or offer the product of the same for sale or exchange as lard, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than two hundred dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than ninety days.

What constitutes adulteration.

4. *And be it enacted*, That the addition of water or any other liquid or chemical preparation to lard, or the use of chemicals for whitening, is hereby declared to be an adulteration within the meaning of this act.

Duty of district attorneys.

5. *And be it enacted*, That it shall be the duty of district attorneys to conduct prosecutions under this act, in the name of the people, and one-half the fines recovered from convictions shall be paid to the informer and the residue to the state.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCIV.

An Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-one.

State treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz. :

Item No. 1. To A. H. Rickey, for furnishing parchments and preparing oaths of members and officers of the senate and general assembly, fifty dollars,

\$50 00

Item No. 2. To John S. Jessup, for professional services rendered in contested election case of Carter versus Murphy, during session of one thousand eight hundred and eighty-one, sixteen dollars, \$16 00

Item No 3. To Ellen Meeley, for cleaning senate and assembly chambers and committee rooms during the session of one thousand eight hundred and eighty-one, two hundred dollars, 200 00

Item No. 4. To John L. Murphy, for wrapping paper, envelopes, brushes, rubber bands, et cetera, furnished sergeant-at-arms of the house of assembly, one hundred and seventy-seven dollars and thirty-one cents, 177 31

Item No. 5. To L. A. Dunn, for bill files furnished the house of assembly, three hundred and thirty-three dollars and twenty-five cents, 333 25

Item No. 6. To A. Kessler, for repairing locks and furnishing keys for house of assembly, one dollar and seventy cents, 1 70

Item No. 7. To John L. Murphy, for stationery, et cetera, furnished engrossing clerk house of assembly, three hundred and two dollars and twenty five cents, 302 25

Item No. 8. To William R. Murphy, for expenses incurred and counsel fees, in contested election case of Carter versus Murphy, two hundred dollars, 200 00

Item No. 9. To William H. Carter, for expenses incurred and counsel fees, in contested election case of Carter versus Murphy, two hundred dollars, 200 00

Item No. 10. To John L. Murphy, for stationery furnished clerk to committee on engrossed bills, house of assembly, fifty dollars and forty cents, 50 40

Item No. 11. To Martha Kuhn, for washing towels for house of assembly, twenty-five dollars, 25 00

Item No. 12. To John L. Murphy, for stationery, et cetera, furnished speaker house of assembly, eighty-four dollars and twenty cents, 84 20

Item No. 13. To John L. Murphy, for minute books, calendars, et cetera, furnished clerk of house of assembly, one hundred and fifty-three dollars, 153 00

Item No. 14. To John A. Brown, for expressage on stationary and bill files for house of assembly, seven dollars and eighty-five cents, 7 85

Item No. 15. To John L. Murphy, for stationery, et cetera, furnished clerk house of assembly, one hundred and seventy-three dollars and seventeen cents,

\$173 17

Item No. 16. To John B. Fell, for services as sergeant-at-arms, in opening the house of assembly, session of one thousand eight hundred and eighty-one, ten dollars,

10 00

Item No. 17. To William R. Murphy the amount of the annual salary of a member of the legislature, less such sum as may have already been paid to him for account of such salary.

Item No. 18. To George B. Carse, for services rendered to date at Washington, District of Columbia, in procuring pensions for the soldiers of the state of New Jersey, five hundred dollars,

500 00

Item No. 19. To John L. Murphy, for stationery furnished by order of the president of the senate, ninety-five dollars and sixty-five cents,

95 65

Item No. 20. To Augustus S. Barber, for services as clerk to committee, contested election, case Carter versus Murphy, fifty dollars,

50 00

Item No. 21. To John L. Murphy, for stationery, et cetera, furnished committee on stationery, house of assembly, one hundred and two dollars and thirty-five cents,

102 35

Item No. 22. To John L. Murphy, for minutes, books, calendars, et cetera, furnished president of the senate, forty-seven dollars,

47 00

Item No. 23. To William S. Sharp, for subpoenas furnished house of assembly, one dollar and seventy-five cents,

1 75

Item No. 24. To George D. Bower, as secretary to committee on incidental expenses, fifty dollars, and amount paid newspapers for advertising notice of incidental committee, three dollars and fifty cents,

53 50

Item No. 25. To John L. Murphy, for minute books, calendars, et cetera, furnished secretary of the senate, one hundred and fifteen dollars and fifty cents,

115 50

Item No. 26. To Frank H. Huber, for services



rendered committee, contesting election case Carter versus Murphy, ten dollars,

\$10 00

Item No. 27. To John L. Murphy, for stationary, et cetera, furnished secretary of the senate, one hundred and fifty-four dollars and fifty cents,

154 50

Item No. 28. To L. A. Dunn, for stationery, rubber bands, et cetera, furnished committee on stationery, five hundred and thirteen dollars and sixty-six cents,

513 66

Item No. 29. To W. H. C. Murphy, for baskets, brushes, soap, et cetera, furnished sergeant-at-arms, house of assembly, seventy-eight dollars and fifty-five cents,

78 55

Item No. 30. To C. H. Benson, for services rendered as clerk to the judiciary committee of the house of assembly, during the session of the one hundred and fifth legislature, three hundred dollars,

300 00

Item No. 31. To W. W. Morris, for services rendered as clerk to the committee on municipal corporations of the house of assembly, three hundred dollars,

300 00

Item No. 32. To George W. Woodward, for services rendered as clerk to the committee of the house of assembly on engrossed bills, five hundred dollars,

500 00

Item No. 33. To chairman joint committee on lunatic asylums, for carriage hire for use of committee, seven dollars,

7 00

Item No. 34. To A. E. Irwin, stenographer, for stenographic services rendered joint committee on lunatic asylums, taking testimony, et cetera, forty dollars,

40 00

Item No. 35. To John L. Murphy, for stationery, et cetera, furnished engrossing clerk of the senate, two hundred and thirty-three dollars and fifteen cents,

233 15

Item No. 36. To William Dickey, George Ringelmann, Liner Holmes, William De Voursey, George Liner and James O'Brien, for services as pages opening house of assembly, session of one thousand eight hundred and eighty-one, ten dollars each, amounting to sixty dollars,

60 00

Item No. 37. To John Simpson, for washing

spittoons for the assembly, and washing and keeping clean the closets in the house of assembly, and cleaning committee rooms, one hundred dollars, \$100 00

Item No. 38. To John A. Brown, for expenses and services in serving subpoenas, and services to committee in the contested election case of Carter versus Murphy, one hundred and fifty dollars, 150 00

Item No. 39. To Fitzgerald and Gosson, for two hundred and fourteen copies of the Legislative Manual for one thousand eight hundred and eighty-one, furnished the senate and house of assembly, two hundred and fourteen dollars, 214 00

Item No. 40. To W. Scott Snyder, for services rendered as assistant engrossing clerk of the senate, five hundred dollars, 500 00

Item No. 41. To George D. Bower, for services rendered as bill clerk, house of assembly, three hundred and fifty dollars, 350 00

Item No. 42. To the clergy, for services in opening the sessions of the legislature of the year one thousand eight hundred and eighty one with prayer, ten dollars each.

Item No. 43. To Frank H. Huber, for services rendered as assistant door keeper, house of assembly, three hundred dollars, 300 00

Item No. 44. To Frank Wanser, for services rendered as assistant door keeper, house of assembly, three hundred dollars, 300 00

Item No. 45. To David Campbell, for services in attending electrical gas machine in the senate chamber and house of assembly, one hundred dollars, 100 00

Item No. 46. To J. Banks Reford, for services as assistant engrossing clerk, house of assembly, three hundred and fifty dollars, 350 00

Item No. 47. To George Arison, for extra services as door keeper, house of assembly, fifty dollars, 50 00

Item No. 48. To F. F. Paterson and Charles N. Robinson, engrossing clerk and door keeper of last senate, ten dollars each for services at organization, 20 00

Item No. 49. To Cook & Jaques for repairing ice-pitcher and match safe, one dollar and seventy-five cents, 1 75

Item No. 50. To George T. Dudley, for bill files, rubbers, paper, P. O. papers, wrapping paper, pails, etc., two hundred and sixty-one dollars and ten cents, \$261 10.

Item No. 51. To Mary E. Lee, for washing towels for senate, twenty-five dollars, 25 00

Item No. 52. To Reuben Transen, for cleaning spittoons, sixty dollars, 60 00

Item No. 53. To G. W. Shreve and H. S. Boice, door keepers of senate, ten dollars each, and S. W. Ayres and C. A. Blake, pages for opening senate, ten dollars each, 40 00

Item No. 54. To W. H. C. Murphy, for one drop light, coal oil, chimneys, two lamps and sundries for room, sixty-seven dollars and thirty-five cents, 67 35

Item No. 55. To John Makechney, for services attending fires in senate and general assembly rooms, and speaker and president's rooms during the session of eighteen hundred and eighty-one, fifty dollars, 50 00

Item No. 56. To Robert B. Ivins, for coach furnished to the joint committee on industrial school for girls, 4 00

Item No. 57. To Ira Somers, extra services as bill clerk of the senate, fifty dollars, 50 00

Item No. 58. To Daniel Kilborn, door keeper, for opening the house of assembly at the session of one thousand eight hundred and eighty-one, ten dollars, 10 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved, except as to Item No. eighteen (18), to which Item No. 18 I object, March 25, 1881.

## CHAPTER CXCV.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, shall be and hereby is amended so that the said section shall read as follows :

Number of di-  
rectors.

5. *And be it enacted*, That there shall be a board of thirteen directors of every corporation formed under this act to manage its affairs ; except in cases where the road or proposed roads is less than ten miles in length, in which case there may be seven directors instead of thirteen, to manage its affairs ; said directors shall be chosen annually by a majority of the votes of the stockholders at such elections, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places ; in the election of directors each stockholder shall be entitled to one vote for each share of stock held by him ; vacancies in the board of directors shall be filled in such manner as shall be presented by the by-laws of the corporation ; the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association ; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen ; at every election of directors the books and papers of such company shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

Election of di-  
rectors.

Vacancies—  
how filled.

Section  
amended.

2. *And be it enacted*, That the thirty-sixth section of said act shall be and hereby is amended so that the said section shall read as follows :

36. *And be it enacted*, That it shall be lawful for any company incorporated under this act, in addition to the powers hereinbefore given, to build viaducts over any navigable or other rivers, streams or bay of water which such railroad may cross, putting in such viaduct a pivot draw with two openings, each of no less width than the widest opening of any viaduct or bridge now built over any such river, stream or bay of water at right angles to the main channel, located at a point convenient for navigation, and such company shall at all times, when such river, stream or bay is navigable, for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light at each inner side of said draws, which shall be lighted every evening, at or before sunset, and be kept lighted till daylight, and shall also keep, or cause to be kept, a suitable person or suitable persons at each of said bridges, to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every neglect to keep such light, and to open the draws when necessary, the said company shall forfeit and pay the sum of one hundred dollars, to be recovered with costs, in any court having jurisdiction thereof, by any persons who shall sue for the same, within six months after the time of such neglect; *provided*, that corporations formed under this act shall not take any land under water belonging to this state until the consent of the riparian commissioners shall first be had and obtained; (unless the said land is at least twenty-five feet under the bed of the water), who are hereby authorized to convey the same on receiving such compensation as they may fix; *provided, further*, that no corporation organized under this act shall be authorized to take, use or occupy, by condemnation, any lands belonging to the state of New Jersey, or any franchise, lands or located route of any bridge, railroad, canal, turnpike or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing said lands or route of said corporation, and except the lands of such other corporations not necessary for the purposes of their franchises; *and provided further*, that a railroad may be located or constructed under this act on the surveyed route or location of any other railroad, with the consent of such corporation, and not otherwise; *and provided further*, that no railroad, under this act, shall cross another railroad at a less angle than twenty degrees; *provided, however*, that this

Companies authorized to build viaducts over rivers, streams, &c.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

supplement shall apply only to railroads already built and now in operation and which shall desire to change a crossing now existing.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCVI.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Board of chosen freeholders empowered to commit children to care and control of charitable institutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of any county that has or shall have assumed the maintenance of the poor are hereby empowered to make provision for children between the ages of three and sixteen years, whose support they have assumed by committing them to the care and control of such duly incorporated charitable institution in this state as they may select, and for such time as they may see fit, during the minority of such child or children, said commitment shall be in writing and signed by the trustees of the county poor house, and shall be subject to the approval of the trustees or managers of such charitable institution, who shall signify their approval by endorsing the same upon the back of a duplicate copy of said commitment, as accepted subject to the provisions of this act, and sign their names thereto, and the trustees of said county poor house shall keep said duplicate copy of commitment on file, and also, in a suitable book for such purpose, shall keep a record of such commitment, showing the date thereof, the name, age, color, nativity, sex and mental and physical condition of each child thus committed, and the length of time for which committed, and shall report the same monthly to the board of chosen freeholders of

id county, who are hereby authorized and required to pay  
t of the funds belonging to said county, to the trustees or  
anagers of such charitable institution, a sum not exceeding  
e dollar and fifty cents per week for each and every child  
us committed during their continuance in said institution,  
r the board, maintenance and education of such child, until  
arrives at the age of sixteen years ; and the county collector  
such county is hereby authorized to pay the same, upon an  
der drawn upon him, and signed by the director of said  
ard, for that purpose.

2. *And be it enacted*, That the said trustees or managers of Trustees or  
managers of  
institution to  
make annual  
report to board  
of freeholders. each charitable institution shall make an annual report to said  
ard of chosen freeholders as to all such commitments made  
the institution, the date of each, the name and age of each  
ild thus committed, the number of such children in said in-  
stitution each month, the date of the discharge of each, and  
e amount of money received by the institution each year for  
eir support, and such other information as may be required  
y said board of freeholders as to the care and condition of  
e children thus committed.

3. *And be it enacted*, That notwithstanding the commitment Board of free-  
holders au-  
thorized to  
bind out  
children to  
trade, &c. of such children to any charitable institution, at any time  
ring their stay at said institution, the board of freeholders,  
rough the trustees of the county poor house, shall possess  
nd are hereby authorized to exercise the same power now  
iven to them by law, to bind out any such child to learn  
ome trade or business, whenever a suitable place or person  
an be found.

4. *And be it enacted*, That no child or children shall be No child or  
children to be  
committed to  
any institution  
under control  
of any religious  
denomination. committed by any board of chosen freeholders in any county  
n this state to any charitable institution in this state, or else-  
where, under the control and management of any religious de-  
omination.

5. *And be it enacted*, That this act shall take effect imme-  
diately.

Approved March 25, 1881.

## CHAPTER CXCVII.

Supplement to an act entitled "An act to prevent the spread of Canada thistle," approved March eighth, one thousand eight hundred and forty-eight.

Penalty for bringing into the state Canada thistle, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall knowingly and wilfully bring into this state any bale or bale of hay containing Canada thistle, or seeds of the same, or any grass or grain seeds with which the seeds of Canada thistle shall be mixed, or who shall knowingly and wilfully sell any manure containing any Canada thistle, or seeds of the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment in the county jail, workhouse or penitentiary of the county in which such conviction shall take place, or both fine and imprisonment may be imposed, in the discretion of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCVIII.

An Act respecting the representation of cities in boards of chosen freeholders.

All cities entitled to two freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state shall be entitled to be represented by not less than two freeholders in



the boards of chosen freeholders of the counties in which they are respectively situated ; *provided*, that whenever any city <sup>Proviso.</sup> shall, under the provisions of this act, be represented by two freeholders, they shall not be elected from the same ward ; *and provided, further*, that any city within a township, which township, as such, is represented in the board of chosen freeholders of the county in which such city is located, shall not be represented as a city in said board of chosen freeholders ; *and* <sup>Proviso.</sup> *provided, further*, that any city which has not been divided into wards shall be deemed to constitute one ward for the purposes of this act.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this shall be a public act and take effect immediately.

Approved March 25, 1881.

## CHAPTER CXCIX.

Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, section seventeen of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows : <sup>Section amended.</sup>

17. *And be it enacted*, That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts, so as not to contain more than six hundred voters in each district, and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office and one copy in the city or township clerk's office, as the case may be, and in case any error is made in fixing the boundary lines of any such elec- <sup>When township or ward to be divided into election districts.</sup>

Proviso.

tion district, the township committee of any township or mayor and common council of any city may at any time in their discretion correct such error and change said boundary lines; *provided, however*, that no election district shall contain more than six hundred voters.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

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## CHAPTER CC.

An Act respecting fire-escapes or means of exit in and upon buildings in cities or municipal corporations.

Common council, &c., authorized to pass, ordain and enforce ordinances for use of fire-escapes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other governing body of all cities or municipal corporations in this state, are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties, respecting the building, erection, equipment, maintenance and use of proper and efficient fire-escapes or means of exit, in and upon hotels, theatres, halls, school houses and other public buildings, manufactories or other buildings where operatives are employed.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 25, 1881.

## CHAPTER CCI.

**An Act to enable church bodies to perfect their organization and to secure and perfect title to real estate.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the trustees of any intended church organization which has not been perfected according to law, shall have taken title to any lands or real estate in their own names, or in their own names as trustees, of such intended organization, and such intended organization has afterwards perfected their organization according to law by the same or any other name it shall and may be lawful, and such trustees or the survivors or survivor of them are and is hereby authorized and required to convey by good and sufficient deed or deeds in the law all their right, title and interest in the said lands and real estate to the trustees of the said perfected organization, whether the same shall have been perfected heretofore or shall hereafter be perfected according to law, by the same or by any other name than the one originally intended, and that when the said lands shall have been so conveyed, said perfected organization shall hold the same as fully and completely as though the said organization had been originally perfected according to law.

Trustees of church organizations authorized to perfect organization, and to secure perfect title to real estate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCII.

**A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.**

Collector of taxes to make and file statement-list of delinquents with clerk of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of April, annually, the collector or other officer having the collection of taxes for any township in this state, shall make out and file with the clerk of such township, a statement in writing, setting forth in detail the name of each person assessed whose tax or taxes he has been unable to collect from the person charged with such tax or taxes, by reason of removal, insolvency or erroneous assessment; the value and kind of property, the amount of tax and the cause of inability to collect said tax, in each case, in proper columns provided in a list for that purpose, which said statement shall be verified by the oath or affirmation of such collector or other collecting officer.

Township committee to examine statement, and may release collector from liability.

2. *And be it enacted*, That the township committee shall, within ten days after the filing of the statement mentioned in the preceding section, carefully examine said statement, and on being satisfied as to the correctness of the same or any part thereof, may, by resolution, credit and release the said collector or other collecting officer from liability, and collection of any or all the taxes so reported by him as being uncollectible.

3 *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCIII.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, prohibiting the diversion of church property.

Unlawful for religious societies, &c., to divert the estate, property or

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the rector, wardens and vestrymen or the trustees, consistory or session of any church, congregation or religious society incor-

porated under any of the laws of this state, to divert the estate, property or revenue belonging thereto to any purpose except the support and maintenance of the church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong, and the highest judicatory of any denomination from which property is attempted to be, or is being, or shall be diverted in violation hereof is hereby authorized to enforce the foregoing provision, but nothing herein contained shall be construed as preventing action being taken by members of the congregation or otherwise as heretofore to enforce the said provision.

revenue, except for church and other purposes.

Approved March 25, 1881.

## CHAPTER CCIV.

**A Further Supplement to the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.**

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That all actions hereafter accruing for injuries to persons caused by the wrongful act, neglect or default of any railroad corporation owning or operating any railroad within this state, shall be commenced and sued within two years next after the cause of such actions shall have accrued, and not after.

Actions for injuries to persons to be commenced and sued within two years.

2. *And be it enacted*, That all actions for any injury hereafter done to any property of any person or corporation, by fire communicated by a locomotive engine of any railroad corporation owning or operating any railroad within this state, shall be commenced and sued within one year after the cause of such actions shall have accrued, and not after.

Actions for injury to property by fire, to be commenced and sued within one year.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCV.

A Supplement to an act entitled "An act appointing commissioners to locate the northern boundary line between the states of New York and New Jersey, and to replace or erect monuments therein," approved April thirteenth, one thousand eight hundred and seventy-six.

Commissioners  
authorized to  
ascertain and  
agree upon the  
location of  
northern  
boundary line,  
and to renew  
or replace mon-  
uments, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under said act to which this is a supplement, shall, in addition to the authority conferred by said act, have authority, in their discretion, to proceed to ascertain and agree upon the location of the northern boundary line between the states of New York and New Jersey, as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to renew or replace them, in a durable manner, in their original positions, and to erect such additional monuments at such places on said line as they may deem necessary for the proper designation of the boundary line of said state.

Agreement to  
be made in  
writing, and  
signed and  
sealed.

2. *And be it enacted*, That any agreement made by the said commissioners shall be in writing, and signed and sealed by the authorities of the state of New York and the commissioners of this state, but shall not take effect unless confirmed by the respective legislatures of the states of New York and New Jersey.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCVI.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety of an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows: Section amended

90. After the trial of an appeal in the court of common pleas, a new trial may be granted by the said court. New trial may be granted.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCVII.

An Act authorizing the legislative bodies of the cities of this state to pass ordinances providing for the removal of dangerous walls, buildings, stacks and chimneys erected therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the cities of this state shall have power by its legislative body, to make and adopt ordinances providing for and regulating the removal of walls, buildings, stacks and chimneys erected therein, that are liable Municipal corporations empowered to make and adopt ordinance for removal of walls, buildings, stacks, &c.

to fall, or that are dangerous to life; said removal to be made by the owner, agent, or person having control thereof; or in case of failure of such owner, agent, or other person as aforesaid, to remove or otherwise make safe the same within a specified time after complaint and notice, or in case such owner, agent or other person cannot be found, then by the proper city officer or officers designated for that purpose, but at the cost and expense of such owner, agent, or person controlling the same.

Penalty for violation of ordinances.

2. *And be it enacted*, That any violation of any ordinance hereby authorized, may be punished by fine not exceeding fifty dollars for each day said violation shall continue.

3. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Approved March 25, 1881.

## CHAPTER CCVIII.

### An Act providing for public safety on railroads.

Unlawful for railroads to use passenger cars with screens, bars, &c., across windows.

Penalty.

Act—when to take effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to use, in the transportation of passengers of any railroad in this state, any passenger car or coach having screens, bars or gratings across the windows; and that any person or corporation owning, controlling or operating any railroad over which any passenger car or coach shall pass in violation of the provisions of this act, shall be subject to a fine of two hundred dollars for each offence, to be recovered by any inhabitant of this state who may sue for the same, in any court having cognizance of the same, one-quarter of said fine to go to the person suing for the same, and three-quarters thereof to the state.

2. *And be it enacted*, That this act shall take effect from and after the first day of May, in the year one thousand eight hundred and eighty-one.

Approved March 25, 1881.



## CHAPTER CCIX.

A Supplement to an act entitled "An act for the improvement of the sanitary condition of cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended to read as follows : Section amended.

That whenever a petition signed by at least twenty-five freeholders, residents of any particular city in any county having a county board of health, stating that any particular place or district in said city is in a condition detrimental to the public health, by reason of insufficient drainage, shall be presented to such board of health, it shall be the duty of such board to forthwith appoint a time and place, when and where they will meet to consider said petition ; at which time and place said board shall so meet, and shall proceed to the place or district designated in such petition, and carefully inspect and examine the same. Board of health to view district said to have insufficient drainage.

2. *And be it enacted*, That section five of the act to which this is a supplement, be amended to read as follows : Section amended.

That the corporate authorities of such city, in case they shall decide to do the work, shall advertise for proposals therefor, as in cases of other improvements made under the charter of such city, and shall award the contract or contracts therefor to the lowest responsible bidder or bidders, who will comply with all the requirements of such authorities ; *provided, however*, that all bids may be rejected and the work re-advertised if the public interest shall require. Contracts—how awarded.

3. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows : Section amended.

That the corporate authorities of such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay for Certificate of indebtedness may be issued, or may issue bonds.

said works, by issuing and selling registered or coupon bonds, pledging the credit and property of such city for the payment thereof, payable in not less than two nor more than twenty years from the date thereof, at the discretion of such city authorities, with interest not exceeding six per centum per annum ; which bonds shall be advertised for sale in the official paper or papers of such city, and such other papers as may be designated by the corporate authorities, and shall be sold to the highest bidder ; *provided*, no more bonds shall be issued than shall be necessary to raise sufficient money to pay for the works provided for in this act, and such lands as may be purchased or taken under this act, or the act to which this is a supplement, whereon to locate and place such works ; *provided further*, that nothing in this act, or the act to which this is a supplement, shall authorize the incurring of any bonded or other indebtedness of such city in excess of ten per cent. of the average assessed valuation of property in such city for five years next previous to the time of incurring such debt or making such improvement.

Proviso

Proviso.

Civil engineer or assistants may enter upon all lands for surveying, leveling and laying out route of sewers, drains, &c.

When route location, &c., is deposited with city clerk, city authorized to construct sewers, &c.

4. *And be it enacted*, That it shall be lawful for the civil engineer or engineers appointed by the corporate authorities of any city to make plans and specifications for the sewers or other works or structures mentioned in the third section of the act to which this is a supplement, his or their agents and assistants, or others in their employ, to enter upon all lands or waters within the place or district so requiring to be drained as aforesaid thereto, for the purpose of exploring, surveying, leveling and laying out the route and location of any sewer or sewers, pumps, dykes, dams, tide banks, or such other works as may be necessary to secure sufficient and proper drainage of such place or district, doing no unnecessary injury to private or other property, and when the route or routes, or location or locations of such necessary works or structures shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the clerk of such city, then it shall be lawful for the corporate authorities of such city, by ordinance, to authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tide banks, and such other works and structures as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

5. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, by their contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, and to erect such pumps, dykes, dams, tide banks and such other works and structures, and to do all other things which may be suitable and necessary to secure the sufficient and proper drainage of the place or district requiring to be drained, subject to such compensation as is hereinafter directed; *provided, always*, that the payment, or the tender of the payment of all damages for the occupancy of the lands through or upon which said pumps, dykes, dams, tide banks, ditches, drains, sluices and such other works or structures may be laid out or located, be made before the corporate authorities of such city, or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tide banks, sewers and other works or structures, unless the consent of the owner or owners of such land be first had and obtained.

Contractors, workmen and others may enter upon and take possession of lands, &c.

Proviso.

6. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, or their officers or agents, to contract with the owners of any land that may be required for the purpose of this act for the use and purchase thereof; and in case they cannot agree with such owner or owners, or if, by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land so required for the erection and construction of such pumps, sewers, dykes, tide banks and other works and structures shall be given in writing, under the oath or affirmation of some engineer or proper agent of such city, and also the name or names of the occupant or occupants, if known, and their residences, if the same can be ascertained, to any justice of the supreme court, who shall cause the said city authorities to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than one week, and not more than one month; and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested commission-

Corporate authorities may contract with owners of land required.

Proceedings in case owners and authorities cannot agree.

Justice of supreme court to appoint commissioners.

Commissioners  
to meet, make  
award, and file  
same in clerk's  
office.

ers, freeholders of said county, to assess the price or value of said land and all damages sustained by the erection or construction of such works, which commissioners shall be sworn or affirmed faithfully to execute the duties of said appointment, and after like notice to said owners of the time and place of meeting of said commissioners, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision, award and report as to the value of said land and the damages sustained, as to them shall seem just and proper, and within ten days thereafter transmit such decision, report and award, together with a description of the said land and the quantity taken, in writing, under their hands and seals, or under the hands and seals of any two of them, to the clerk of the city wherein said lands are, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, there to remain as a public record, and thereupon and upon payment, or tender of payment, of the amount so awarded as hereinafter provided, the corporate authorities of such city are hereby empowered to enter upon and take possession of said lands for the purposes aforesaid, and the said city shall thereby become seized and possessed in fee simple of the land so valued and appraised as aforesaid.

Parties ag-  
grieved may  
appeal to cir-  
cuit court.

7. *And be it enacted*, That if either party shall feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit court of the county in which such city may be situate, at the next term after such decision and award, by proceeding in the form of petition to the court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in said circuit court full right and power to hear and determine the same; and if required, said court shall award a venire, and direct a proper issue to be framed for the trial of said controversy, and may, in its discretion, order a jury to be struck, and a view of said premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon like notice, in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and if the said jury shall find a greater sum than shall have been awarded by said commissioners, then judgment shall be given against said city, with costs, and exe-

cution awarded therefor ; but if said jury shall be applied for by said owner or owners, and shall find a less sum than shall have been awarded by the commissioners, the costs shall be paid by said owner or owners, and either deducted out of said sum found by said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the said city from taking the said land on filing the report aforesaid, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being unknown or out of the state, or under a legal disability, the same being first paid into the circuit court of said county, and the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners.

8. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, either general or special, inconsistent with the provisions of this act, or the act to which this is a supplement, be and the same are hereby repealed. Repealer.

Approved March 25, 1881.

## CHAPTER CCX.

An Act for the improvement of the sanitary condition of counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, stating that any particular place or district described by metes and bounds in any county of this state is in a condition detrimental to the public health and signed by at least one hundred freeholders, residents of such county in this state, (the aggregate assessed value of whose real estate in said county shall be certified by the assessors or other officers whose duty it is to

Justice of supreme court, upon petition, may appoint engineer to make plans, &c., for building of sewers and the erection of dams, dykes, &c.

assess such property for taxation to be more than one million dollars), such assessed valuation not to include any property described in the aforesaid petition, shall be presented to the justice of the supreme court of judicature of this state, holding the circuit court in such county, such justice may appoint a competent civil engineer to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tide-banks, and such other works and such filling and excavating as may be necessary to secure a sufficient and proper drainage of such particular place or district required to be drained.

Justice of supreme court to certify compensation of engineer and by whom paid.

2. *And be it enacted*, That upon receiving the report of such civil engineer, such justice of the supreme court holding the circuit as aforesaid shall certify what compensation in his judgment such engineer is entitled to for his services, which amount shall be paid by the board of chosen freeholders of the county in which said place or district is contained.

Upon receiving report commissioners to be appointed.

3. *And be it enacted*, That upon receiving such report the said justice of the supreme court holding such circuit shall appoint three freeholders of the county, in which such place or district is required to be drained and filled in, who shall in connection with the civil engineer, appointed as aforesaid, constitute a commission, under whose supervision and direction the plans of drainage and filling shall be carried out.

Commissioners to receive no compensation.

4. *And be it enacted*, That the commissioners appointed by the justice of the supreme court aforesaid shall not be entitled to receive any compensation for their services, and that said civil engineer shall receive such compensation as the said board of chosen freeholders shall deem proper.

Board of freeholders to advertise for proposals for constructing work.

5. *And be it enacted*, That within fifteen days from the presentation of a report to them, said board of freeholders shall advertise for proposals for doing and constructing such works in accordance with said report, plans and specifications, which shall be placed on file for public inspection in the office of said board, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvement in said county.

Board of freeholders authorized to issue certificates of indebtedness and issue bonds.

6. *And be it enacted*, That such board of freeholders shall have power to issue certificates of indebtedness or improvement certificates to the contractors for said works, or to issue registered or coupon bonds of said county, for the purpose of

providing funds to pay for said improvement, said bonds being payable in not less than twenty nor more than forty years, and bearing interest at the rate of six per centum per annum.

7. *And be it enacted*, That bonds issued under the last preceding section shall not be sold at less than their par value. Bonds not to be sold less than par.

8. *And be it enacted*, That the costs and expenses of such filling and excavating, and the construction of such sewer or sewers, pumps, dykes, dams, tide-banks and such other works as may be deemed necessary for the public health, shall be assessed upon the estate especially benefited thereby, in proportion to the benefit received. Costs and expenses—how assessed.

9. *And be it enacted*, That when the aforesaid improvement shall have been completed, the commissioners having charge of the same shall report that fact to the justice of the supreme court aforesaid, who shall appoint and fix the compensation of three discreet freeholders of said county, whose lands are not liable to assessment for special benefits by reason of said improvement, to act as commissioners of assessment for said improvement. When improvement completed, justice to fix compensation of commissioners.

10. *And be it enacted*, That said commissioners of assessment shall distribute the amount of the expense of said improvement for which lands specially benefitted shall, in their judgment, be liable, and when said assessment shall be completed it shall be filed with the clerk of said board of chosen freeholders, who shall give notice by advertising in two or more newspapers printed and published in said county, of the fact that said report has been filed, and that said commissioners will meet at the office or meeting room of said board of chosen freeholders on a certain day, at least thirty days subsequent to the filing of said report, to hear remonstrances against the same. Commissioners to distribute expense upon lands, and report to be filed with clerk of board of freeholders.

11. *And be it enacted*, That the said commissioners of assessment shall meet at the time and place designated, to hear remonstrances against their report, and shall revise the same as shall seem to them proper in view of such remonstrances, after which they shall file their report with the clerk of said board of chosen freeholders; and the assessment shall constitute liens upon the lands so assessed for special benefits. Commissioners to meet to hear remonstrances and revise report.

12. *And be it enacted*, That if the owner or owners of said lands so assessed for special benefits shall neglect or refuse to pay said assessment with interest, for the period of one Failure of owners to pay assessments, board of free-



assess such property for taxation to be more than one million dollars), such assessed valuation not to include any property described in the aforesaid petition, shall be presented to the justice of the supreme court of judicature of this state, holding the circuit court in such county, such justice may appoint a competent civil engineer to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tide-banks, and such other works and such filling and excavating as may be necessary to secure a sufficient and proper drainage of such particular place or district required to be drained.

Justice of supreme court to certify compensation of engineer and by whom paid.

2. *And be it enacted*, That upon receiving the report of such civil engineer, such justice of the supreme court holding the circuit as aforesaid shall certify what compensation in his judgment such engineer is entitled to for his services, which amount shall be paid by the board of chosen freeholders of the county in which said place or district is contained.

Upon receiving report commissioners to be appointed.

3. *And be it enacted*, That upon receiving such report the said justice of the supreme court holding such circuit shall appoint three freeholders of the county, in which such place or district is required to be drained and filled in, who shall in connection with the civil engineer, appointed as aforesaid, constitute a commission, under whose supervision and direction the plans of drainage and filling shall be carried out.

Commissioners to receive no compensation.

4. *And be it enacted*, That the commissioners appointed by the justice of the supreme court aforesaid shall not be entitled to receive any compensation for their services, and that said civil engineer shall receive such compensation as the said board of chosen freeholders shall deem proper.

Board of freeholders to advertise for proposals for constructing work.

5. *And be it enacted*, That within fifteen days from the presentation of a report to them, said board of freeholders shall advertise for proposals for doing and constructing such works in accordance with said report, plans and specifications, which shall be placed on file for public inspection in the office of said board, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvement in said county.

Board of freeholders authorized to issue certificates of indebtedness and issue bonds.

6. *And be it enacted*, That such board of freeholders shall have power to issue certificates of indebtedness or improvement certificates to the contractors for said works, or to issue registered or coupon bonds of said county, for the purpose of



providing funds to pay for said improvement, said bonds being payable in not less than twenty nor more than forty years, and bearing interest at the rate of six per centum per annum.

7. *And be it enacted*, That bonds issued under the last preceding section shall not be sold at less than their par value. Bonds not to be sold less than par.

8. *And be it enacted*, That the costs and expenses of such filling and excavating, and the construction of such sewer or sewers, pumps, dykes, dams, tide-banks and such other works as may be deemed necessary for the public health, shall be assessed upon the estate especially benefited thereby, in proportion to the benefit received. Costs and expenses—how assessed.

9. *And be it enacted*, That when the aforesaid improvement shall have been completed, the commissioners having charge of the same shall report that fact to the justice of the supreme court aforesaid, who shall appoint and fix the compensation of three discreet freeholders of said county, whose lands are not liable to assessment for special benefits by reason of said improvement, to act as commissioners of assessment for said improvement. When improvement completed, justice to fix compensation of commissioners.

10. *And be it enacted*, That said commissioners of assessment shall distribute the amount of the expense of said improvement for which lands specially benefitted shall, in their judgment, be liable, and when said assessment shall be completed it shall be filed with the clerk of said board of chosen freeholders, who shall give notice by advertising in two or more newspapers printed and published in said county, of the fact that said report has been filed, and that said commissioners will meet at the office or meeting room of said board of chosen freeholders on a certain day, at least thirty days subsequent to the filing of said report, to hear remonstrances against the same. Commissioners to distribute expense upon lands, and report to be filed with clerk of board of freeholders.

11. *And be it enacted*, That the said commissioners of assessment shall meet at the time and place designated, to hear remonstrances against their report, and shall revise the same as shall seem to them proper in view of such remonstrances, after which they shall file their report with the clerk of said board of chosen freeholders; and the assessment shall constitute liens upon the lands so assessed for special benefits. Commissioners to meet to hear remonstrances and revise report.

12. *And be it enacted*, That if the owner or owners of said lands so assessed for special benefits shall neglect or refuse to pay said assessment with interest, for the period of one Failure of owners to pay assessments, board of free-

holders authorized to sell lands.

year, the board of chosen freeholders in such county are hereby authorized and empowered to sell said lands for the least number of years that any person will take the same and pay said assessment, with costs and interest thereon ; and the manner, time, place, and notice to resident and non-resident owners of such lands to be sold, shall be fixed and designated by the justice of the supreme court holding the circuit court in the county where such lands are situate.

Certificate of sale to be delivered to purchaser.

13. *And be it enacted*, That upon receiving the amount of said assessment by sale as aforesaid, the board of chosen freeholders shall give to the purchaser a certificate of sale of the land for the term for which the same shall be sold, and thereupon said purchaser shall be entitled to immediate possession of said land, and to take the rents, issues and profits thereof for the period or term aforesaid ; *provided*, that the owner of the fee of said land shall be entitled to redeem the same at any time within the period for which they shall be sold, by payment to the purchaser of the term of the amount given for such certificate of sale, less the amount received as rent and profit as aforesaid, with interest, after the rate of twelve per centum per annum from the date of said sale.

Proviso.

Excess of costs and expenses—how assessed, levied and collected.

14. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefits to lands specially benefited thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other county purposes are assessed, levied and collected.

Moneys received by issuing of bonds—how applied.

15. *And be it enacted*, That whenever bonds shall be issued by any board of chosen freeholders, and the proceeds applied for the purpose of carrying out any such improvement, it shall be the duty of said board of chosen freeholders to apply all moneys received in payment of the assessment for said improvement, to the final payment of such bonds, and for no other purpose whatever.

Board of freeholders authorized to appropriate money to run and operate pumps, &c.

16. *And be it enacted*, That in case it shall be necessary in pursuance of the plans for said improvement, to erect pumps or other works which are required to be operated by steam power, or by other artificial means requiring an annual expenditure of money to operate the same, it shall be the duty of such board of chosen freeholders to appropriate a sufficient sum of money to run and operate such pump or pumps, or

other works for the purpose of securing a proper drainage of the place or district required to be drained.

17. *And be it enacted*, That such civil engineer or engineers as may be appointed by a supreme court justice, and such commissioners as may be appointed by any board of chosen freeholders under the provisions of this act, shall, before entering upon the duties of their office, take an oath before a justice of the supreme court or a supreme court commissioner, faithfully to perform the duties of their office, a certificate of which fact shall be filed with the clerk of the county in which said lands are situate. Engineers—  
commissioners  
to take oath,  
&c.

18. *And be it enacted*, That the justices of the supreme court holding the circuit court as aforesaid shall have power to remove any civil engineer appointed as aforesaid, and appoint another in his stead; and the board of chosen freeholders shall have the same power with reference to the commissioners or other officers appointed by such board. Civil engineer  
and commis-  
sioners may be  
removed.

19. *And be it enacted*, That any vacancy caused by the death, resignation or removal from the state of any officer or commissioner appointed under this act shall be filled by the appointing power. Vacancies—  
how filled.

20. *And be it enacted*, That whenever, in the progress of said improvement, it shall become necessary to give notice, for any purpose whatsoever, to property owners or others, the form and manner of service of such notice shall be prescribed and fixed by the justice of the supreme court aforesaid. Notice to prop-  
erty-owners—  
how given.

21. *And be it enacted*, That this act shall not extend to any lands flowed by the natural and complete flow of tidewater. Act not to ex-  
tend.

22. *And be it enacted*, That all acts be and are hereby repealed inasmuch as they are inconsistent with the provisions of this act. Repealer.

23. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXI.

A Supplement to the act entitled "An act to provide for licensing boats, hacks and other vehicles by incorporated camp meeting associations, or seaside resorts, and for the better government of the same.

Board of trustees, commissioners, &c., empowered to license, regulate and restrain the manufacture or sale of liquors, wine, beer, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, managers, commissioners or other corporate authorities of any incorporated camp meeting association or seaside resort, the grounds belonging to which are located outside the corporate limits of any city or borough already possessing a special charter granted by the legislature, shall have the right and power within the premises of said camp meeting association or seaside resort, and upon any pier or landing place connected therewith, and leading thereto, and for and within the territory embraced within the limit of one mile from any boundary of said premises, by ordinance or otherwise to license, regulate and restrain the manufacture, sale or barter of spirituous or fermented liquors, wine, ale, beer or malt liquors of any kind or intoxicating liquors, preparations or substances of any kind whatever, and to make all needful rules and regulations therefor, and if any person shall within said premises and territory, at any time hereafter manufacture, sell or barter any spirituous or fermented liquors of any kind whatever, wine, ale, beer or malt liquors of any kind, or intoxicating liquors, preparations or substances of any kind whatever, without a license from said board of trustees, directors, managers, commissioners, or other corporate authorities first had and obtained, such person shall for each and every of said acts be liable to a penalty of twenty dollars, to be sued for in the name of said board of trustees, directors, managers, commissioners, or other corporate authorities, in an action of debt before any justice of the peace of the county in which such act shall be committed, or any police justice or officer specially commissioned, pos-

Penalty for selling without license.

sessing the powers of police justices appointed or to be appointed for any such corporation, which said justice may give judgment for said penalty and costs of suit, and issue execution for collection of the said penalty to be levied on any personal property, owned by such person or persons against whom such judgment may be obtained, directed to any constable of the said county, or any marshal or peace officer appointed or to be appointed for such corporation, which execution shall be levied, executed and returned in the same manner as executions in other cases, and in case no goods of the defendant shall be found whereof to make the said penalty and costs of suit, then the said judgment may be docketed in the court of common pleas, and execution issue thereon as in other cases, and in addition thereto the said justice or officer rendering such judgment may sentence the defendant to imprisonment in the county jail for a term not exceeding twenty days for such offence; all penalties recovered and collected under this section shall, after deducting the costs of prosecution, be paid over by said corporation to the overseer of the poor of the township or county within which the said act shall have been committed; *provided*, that as to inns, taverns and saloons at the time of the organization of such associations, already established and licensed, and situated outside of, though within one mile of the said premises, this act shall not apply. Proviso.

2. *And be it enacted*, That within the limits of the said premises the said board of trustees, directors, managers, commissioners or other corporate authorities shall have power, by ordinance or otherwise, to regulate and restrain the running of any railroad train, locomotive or cars upon any railroad track within said premises, upon the first day of the week, commonly called Sunday, and if any corporation, person or individual shall, without the written consent of the said trustees, directors, managers, commissioners or other corporate authorities, run, operate, or cause to be run or operated over any railroad track within said premises, any railroad train, locomotive or cars, whether operated by steam, horse or other power, upon the first day of the week, commonly called Sunday, such corporation, individual or person so offending shall forfeit and pay to the said trustees, directors, managers, commissioners or other corporate authorities, for each and every of said acts, the sum of five hundred dollars, to be recovered Board of trustees, managers, &c., authorized by ordinance to regulate and restrain the running of railroad trains on Sunday.

Proviso.

Proviso.

Trustees, managers, &c., authorized by ordinance or otherwise to regulate the landing of persons on piers by means of boats, &c., &c., on Sunday.

with costs of suit by the said trustees, directors, managers, commissioners or other corporate authorities, in an action of trespass on the case, in the circuit court of the county in which such act was committed; in said action it shall be sufficient to declare generally, and give notice of special matter, and execution may issue thereon as in other cases, one-half of any penalty thus collected shall, after deducting costs of collection, be paid to the overseer of the poor of the county or township wherein such act was committed; *provided*, that this act shall not prevent the running of any railroad train, locomotive or cars through said premises to any other terminal point; *and provided further*, that nothing in this act contained shall be construed to prevent the running of any railroad train, locomotive or cars at any time over any railroad heretofore or hereafter constructed or located.

3. *And be it enacted*, That the said trustees, directors, managers, commissioners or other corporate authorities, shall have power, by ordinance or otherwise, to regulate and restrain, within the limits of said premises, or upon any pier or landing place adjacent thereto, the carrying of any person by means of any boat or vessel of any kind to and from said premises, piers or landing place upon the first day of the week, commonly called Sunday, and to regulate and restrain the landing on said premises by either public or private conveyance, of any person on the first day of the week commonly called Sunday, except on errands of mercy, sickness or death, and to regulate and restrain the manufacture and sale of tobacco in any of its forms within said premises, and if any person shall, without the written license of the said trustees, directors, managers, commissioners or other corporate authorities first obtained, commit any of the acts in this section named, he shall forfeit and pay to the said trustees, directors, managers, commissioners or other corporate authorities a penalty of five dollars for each and every offence, and for each and every person so landed or carried, to be recovered, with costs of prosecution, in the same manner, and by the same proceedings, as are mentioned and described in the first section of this act.

Act—how construed.

4. *And be it enacted*, That nothing in this act contained shall be construed as in any way limiting or abridging any of the rights, powers and privileges conferred by the act to which this is a supplement or by other acts upon any board of trus-

ees, directors, commissioners or other corporate authorities of any incorporated camp meeting association or sea-side resort.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXII.

A Supplement to an act entitled "An act concerning cemetery associations and regulating the election of trustees," approved April third, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual elections of trustees, <sup>Annual election of trustees to be by ballot.</sup> held after the election for trustees provided for in the first section of the act to which this is a supplement, shall be by ballot, and shall be held at the principal office or place of business in this state of such cemetery company or association, in the said act provided for; at which annual elections, every person of full age owning a lot in said cemetery, and in case of a joint or several ownership in any lot, then such one of the parties in interest as the majority of ownership in such lot shall designate to represent such lot, may, either in person or by proxy in writing, give one vote for each lot so owned; *provided*, no person <sup>Proviso.</sup> shall give, as owner or by proxy, more than twenty-five votes at any one election for trustees; and the persons receiving the largest number of the votes given at such election, shall be and remain the lawful trustees of such company until their successors are lawfully appointed; and said trustees appointed at such annual elections, shall be chosen from the lot owners, and shall not exceed the number of trustees provided by law for such company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.



## CHAPTER CCXIII.

An Act in relation to assessments in townships.

Township committee to ascertain amount of costs and expenses of improvements.

Upon application, judge of court to appoint commissioners to make assessment.

Commissioners to make assessment upon all lands benefited by improvement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the costs and expenses of grading, flagging or paving any street, or section of a street, in any township or polling district therein, in this state, shall not have been assessed under and pursuant to the act or acts of the legislature of this state authorizing such grading, flagging or paving to be done, and an assessment of the costs and expenses thereof cannot now be lawfully made thereunder, or if any such assessment shall have been made and the law or laws in virtue of which they were made shall have been declared by the courts of this state to be unconstitutional or void, it shall be the duty of the township committee of any such township in which such polling district may be or shall have been, or a majority of such committee, immediately after the passage of this act, to ascertain the whole amount of the costs and expenses of any such improvements, including discounts and interests on money borrowed, or expended, in making such improvements; so soon as conveniently may be, thereafter, such committee shall apply to the presiding judge of the circuit court in the county in which such improvement was made, for the appointment of commissioners to make an assessment of the same; upon making this application said judge shall appoint three judicious and disinterested freeholders residing in the county in which such improvement was made, none of whom shall be taxpayers in the township where made, to make said assessment, and he may in his discretion, and in such mode as he may direct, cause notice to be given to property owners whose lands lie adjacent to the street in which the improvement was made, of such application; when such appointment is made said commissioners in making the assessment shall assess upon all the lots or tracts of land and real estate benefited by such improvement such proportion of such



costs and expenses, including discounts and interests aforesaid, as will be equal to the amount of the benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such lots or tracts of land and real estate shall be deemed to acquire, and the balance of such costs, expenses, discounts and interests, if any remain unassessed, shall be a debt upon and paid by such township, and the township committee of said township is hereby authorized to raise in one sum, or by installments from time to time, by tax, in the same manner, and at the same time that other taxes in said township are raised, money sufficient to pay any such balance, and the interest accrued thereon.

2. *And be it enacted*, That all assessment made under the provisions of this act shall be payable, if the owner or owners of the land and real estate upon which said assessment shall be made shall so desire, in five equal annual installments with interest thereon, at the rate of six per centum per annum upon all deferred payments from the day the report hereinafter referred to shall be delivered to the collector of the township hereinafter mentioned to the day of such payment respectively, the first payment thereof to be made within one year from the time said report shall be delivered to the collector of the township as hereinafter mentioned, the second payment within two years thereof, and the third payment within three years thereof, and so on annually until the whole is paid; *provided*, that such owner may increase the amount of his installments in making such payments on the same terms.

Assessments may be payable in installments.

Annual payment to be made.

Proviso.

3. *And be it enacted*, That the said commissioners before they commence to make any assessment contemplated by this act shall take and subscribe an oath or affirmation before the said judge to make the said assessment, fairly and impartially, according to the best of their skill and judgment.

Commissioners to take oath.

4. *And be it enacted*, That the said commissioners shall make a report by a certificate in writing, of the assessments so made, and before proceeding to sign the same shall give an opportunity to the parties interested to examine the same, and shall give notice to the parties interested by posting the same in five of the most public places near said improvement, one of which shall be placed along the line thereof, and also a copy left at each occupied dwelling along the same, at what time and place in said township the said report may be exam-

Commissioners to make report and give notice to parties interested.

ined by them ; and also of the time and place when and where the parties interested can be heard by the said commissioners ; and after hearing the said parties, the said commissioners shall proceed to complete said report, making such alterations as they deem proper and necessary, and shall then sign the same, and deliver said report to the collector of said township.

Assessments to remain a lien upon lands.

5. *And be it enacted*, That the assessment authorized and directed by this act shall be and remain a lien upon the lands and real estate assessed, from the time said report shall have been delivered to the collector of said township, in the same manner and to the same extent that taxes are now liens upon lots or tracts of land and real estate in said township.

Township committee authorized to remit or deduct from assessments a per centum of such assessments.

6. *And be it enacted*, That if the owner or owners of any lot or tract of land and real estate, which shall be assessed for any improvement aforesaid, shall desire to pay the whole assessment which shall be made and levied under the provision of this act upon his or their lands and real estate, notwithstanding the provisions of the second section of this act, the said township committee, or a majority of them, are hereby authorized and empowered, after the report and certificate in writing shall have been delivered to the collector of the township as aforesaid, to remit or deduct from any and all assessments which shall be so paid, a sum not exceeding fifteen per centum of any such assessment ; *provided*, such payment is made within three months after said report and certificate shall have been in said collector's hands, and any such deductions shall be considered as a portion of the balance to be raised as aforesaid by said township.

proviso.

Collector to collect assessments and to give notice thereof.

7. *And be it enacted*, That the collector of said township shall, as soon as the said report shall have been delivered to him, proceed to collect the assessments named in said report, and shall give notice, in like manner as is required of said commissioners in section four, successively, at least once in each week, stating in general terms the street or section of street comprised in such assessment, and requiring the owners of the lots or tracts of land and real estate assessed in and by said report to pay the amounts of said assessment to him.

Failure to pay assessments, lands to be sold.

8. *And be it enacted*, That if any assessment, or installment or installments thereof, upon any lot or tract of land and real estate made under the provisions of this act shall remain unpaid after the expiration of the time limited in the second

section mentioned, the said township committee may proceed to collect the said assessments by sale of the lots or tracts of land and real estate whereon said assessments have been imposed, and remain unpaid, in the same manner and to the same extent as lands and real estate are now sold for unpaid taxes in said township, and the purchaser or purchasers at any such sale or sales, and his legal representatives, shall hold and enjoy such lots or tracts of land and real estate, with the rents, issues and profits thereof, in the same manner as if he had purchased the same at a sale for the non-payment of taxes due thereon.

9. *And be it enacted*, That any owner deeming himself dissatisfied or aggrieved by the report of said commissioners, in respect to the assessment made by them as aforesaid, may appeal therefrom to the judge of the circuit court of the county in which his or her lands so assessed lie, at any time within thirty days from the date of the delivery of such report to the collector, giving written notice of such intended appeal, to said collector; upon making the application therefor to said judge, he shall thereupon order a trial by jury, to re-assess the benefits of the party so appealing, on an issue to be framed for that purpose, the trial whereof shall be conducted as in other cases of trial by jury; the assessment of said jury shall be entered by the clerk of the court in the court minutes, and a certified copy thereof given by him to said collector, who shall attach the same to said commissioners' certificate and report; and such assessment shall take the place of that made by said commissioners, and shall, in all respects, have the same force and effect as if originally made by them; if such re-assessment is less than the original one, judgment may be entered up for the costs of the appellant against said township, and if greater, judgment may be entered up for the costs of said township against the appellant.

Owners aggrieved by report of commissioners, may appeal to circuit court.

10. *And be it enacted*, That for the purpose of meeting the costs and expenses of such improvements, it shall be lawful for the township committee to issue bonds under the seal of said township, and by the signature of the chairman thereof, with that of the township clerk, to an amount equal to said costs, expenses and accrued interest; said bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and be made payable at any time not exceeding ten years from their date, and shall not be negotiable at a

Township committee authorized to issue bonds.

Assessments,  
when paid and  
taxes raised,  
how applied.

Bonds may be  
received in  
payment of as-  
sessments.

rate less than par; and all assessments for said improvements, and all taxes raised to meet the portion of the costs and expenses assessed to said township, when paid, shall be kept apart and used solely to pay said bonds with the interest thereon; said bonds shall also be receivable in payment of said assessments, for their full or face value, with the interest thereon.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXIV.

An Act to regulate the charges for keeping paupers and indigent persons in the lunatic asylums of this state.

Amount of  
charge for  
boarding and  
maintaining  
paupers or in-  
digent persons  
in lunatic asy-  
lums.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful to charge the several counties of this state not more than the sum of three dollars per week for boarding and maintaining in the "New Jersey State Lunatic Asylum," or in "The State Asylum for the Insane, at Morristown, New Jersey," any pauper or indigent person who may be sent to such asylum or maintained there in the manner provided by law for his or her admission and maintenance at county expense.

2. *And be it enacted*, That this act shall take effect immediately.

• Approved March 25, 1881.

## CHAPTER CCXV.

**A Further Supplement to an act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.**

**WHEREAS,** Writings declaring or directing uses or trusts of real estate are often too informal to be recorded by authority of the present recording laws; for remedy whereof;

**1. BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey,* That all writings heretofore made, or hereafter to be made, to declare or to direct any use or trust of real estate, or which, though made or to be made for some other purpose, are yet, by the terms of any recordable deed, or will which refers to such writing, made to operate as such a declaration or direction, may be recorded in the same manner as deeds are recorded in the office of the clerk of the county in which such real estate is situate; *provided,* that such writing shall be recorded in the office of the register of deeds instead of in the office of the clerk of the county, when both offices exist in the county in which such real estate is situate.

**2. And be it enacted,** That every such writing, before being recorded, shall be proved by the subscribing witness thereto, or acknowledged by the grantor thereof, in like manner as deeds of conveyance of real estate are now required to be acknowledged or proved except as provided in the next section.

**3. And be it enacted,** That when any such writing derives its force as such a declaration or direction from any recordable deed or will which refers to such writing, and such deed or will has been or shall have been duly acknowledged or proved and recorded, and such writing is not susceptible of being proved or acknowledged as required in section two of this act, then such writing, so operating as such a declaration or direction may be recorded as aforesaid, notwithstanding the same

Preamble.

Certain writings may be recorded in office of county clerk.

Proviso.

Writing to be proved or acknowledged as deeds, &c.

When writings may be recorded that is not proved or acknowledged.

Proviso.

may not be proved or acknowledged ; *provided*, that in such case satisfactory proof shall be made before the circuit court of the county in which the real estate is situate, to be evidenced by the certificate of the presiding judge of said court endorsed upon the said writing, over his signature, that the writing so offered to be recorded is the identical writing so referred to in such recorded deed or will ; and ten days' notice of the application to said court shall be given, by publication in a newspaper published in the county where the land is situate, or when no newspaper is published in such county, then the notice shall be published in a newspaper circulating in such county.

Record and  
copies to be  
evidence.

4. *And be it enacted*, That the record of such writings with such certificate thereon, and certified copies of such records shall be evidence in the same manner and in like cases as the records of deeds.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1881.

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## CHAPTER CCXVI.

An Act to authorize cities to sell and convey such titles to lands as may have been acquired by purchasing such lands for the non-payment of assessments for improvements.

Preamble.

WHEREAS, Heretofore in many of the cities of this state public improvements were caused to be made by filling in, grading, curbing, flagging or paving streets, or by building sewers therein, for which improvements the lands supposed to have been benefited by such improvement or improvements were assessed, and for non-payment of such assessment or assessments, such lands have been advertised for sale for a term of years and for want of other purchasers such lands have been purchased for a term of years as aforesaid, for the benefit of such city or cities in which such lands were situate ; *and whereas*, by reason of the accumu-

lation of interest on such assessments and the general depreciation in the values of real estate, in many cases the owners of the fee in such lands so assessed and sold as aforesaid have neglected and refused to redeem such lands for more than the time limited by law for redemption thereof after the said lands were sold as aforesaid, whereby the title of such cities for the term or terms aforesaid have become absolute; *and whereas*, such cities have no means of utilizing the lands so purchased for non-payment of assessments; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any city or cities in this state have or hold any lands by virtue of any purchase or purchases under any sale of such lands for the non-payment of any assessment or assessments thereon for any improvement or improvements heretofore made, or claim to have any lien upon, or right, title or interest of, in or to such lands by virtue of such purchase or purchases heretofore made, where the time limited by law for the redemption thereof has expired it shall be lawful for the mayor and council, mayor and aldermen, or the corporate authorities of such city, by whatever name they may be called, to designate a time and place for sale, and to direct the city clerk of such city to advertise and sell at public vendue to the highest bidder, all the right, title and interest which such city has or claims to have of, in and to such lands purchased for the non-payment of assessments aforesaid; *provided, nevertheless*, such lands shall be sold subject to the lien and encumbrance of all unpaid taxes at any time heretofore assessed and levied thereon by the law of general taxation for state, county and municipal purposes, and also subject to unpaid water rates.

Corporate authorities to designate time and place, and sell at public sale all right, title, &c., to lands, &c.

Proviso.

2. *And be it enacted*, That notice of the time and place, when and where such sale will be made, together with a description of such lands, and the city's term therein, shall be posted in five public places in such city for at least thirty days, and published in at least one newspaper printed, published and circulating in such city, once each week for four weeks successively previous to such sale.

Notice of sale to be posted and advertised.

3. *And be it enacted*, That such lands or the right, title and interest of such city or cities therein shall be sold in separate lots or parcels of the same dimensions as the same were originally assessed and purchased by such city or cities; ex-

Lands to be sold separately.



cept in cases where assessments have been divided and apportioned under some existing law to correct mistakes, or to allow a portion or portions of a lot or lots so assessed to be redeemed; and in such cases such lot or lots or parts of lots shall be sold separately, according to the new apportionment or apportionments.

When sale may  
be adjourned.

4. *And be it enacted*, That in case at the time and place so appointed for the sale of such lots or parcels of land, no person shall bid or offer to pay for the same, at least one-fourth part of the amount of principal and interest of the assessment or assessments existing against any lot or lots so offered for sale as aforesaid, the sale of such lot or lots shall be adjourned for not less than two weeks nor more than six weeks, at which adjourned sale such lot or lots may be sold to the highest bidder therefor, without regard to the amount owing on such assessment or assessments.

City authorities  
to make and  
publish condi-  
tions of sale

5. *And be it enacted*, That the city authorities of the city making such sale shall have power to make and publish such conditions of sale, as to payments and delivery of deeds of conveyance as they may deem expedient, and that upon compliance with such conditions by the purchaser or purchasers of any lot or lots, such city, by its mayor or other duly authorized agent or agents, shall sign, seal and deliver a deed to such purchaser or purchasers conveying all the right, title and interest which such city has or claims to have of, in and to the lands therein described, which deeds, the execution thereof having been duly proved, may be recorded in the office of the clerk or register of the county in which such lands are situated, the same as other deeds of conveyance, subject nevertheless to the lien and encumbrance thereon of all taxes previously assessed thereon by general taxation, for state, county and municipal purposes, and subject to all unpaid water rates, such taxes and water rates to remain liens thereon, the same to all intents and purposes until paid as if such sale and conveyance of assessment, title or titles had not been made; *provided, nevertheless*, that no city shall have power to warrant the title which such city professes to sell and convey.

Mayor, &c., to  
deliver deed to  
purchaser.

Proviso.

Repealer.

6. *And be it enacted*, That all acts and parts of acts whether special or general, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately

Approved March 25, 1881.



## CHAPTER CCXVII.

## An Act to prevent the adulteration of food or drugs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall, within the state of New Jersey, manufacture, have, offer for sale or sell, any article of food or drugs, which is adulterated, within the meaning of this act, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars for a first offence, and one hundred dollars for a second and subsequent offences. Unlawful to manufacture or sell adulterated food or drugs. Penalty.

2. *And be it enacted*, That the the term "food," as used in this act, shall include every article used for food or drink, by man, and that the term "drug," as used in this act, shall include all medicines for internal or external use. Word "Food" —how construed.

3. *And be it enacted*, That any article shall be deemed to be adulterated, within the meaning of this act; What deemed an adulteration.

## (a)—IN THE CASE OF DRUGS.

First. If when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; When differs from recognized standard.

Second. If when sold under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; When not recognized in United States Pharmacopœia.

Third. If its strength or purity fall below the professed standard under which it is sold; When strength or purity falls below professed standard.

## (b)—IN THE CASE OF FOOD OR DRINK.

First. If any substance or substances has or have been mixed with it, so as to reduce or lower, or injuriously affect its quality or strength; When mixed with other substances

Second. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article; Inferior or cheaper substances.

When constituent has been abstracted.

Imitation.

When consists in whole or in part of diseased or putrid substances.

When colored, &c.

When containing poisonous or injurious ingredients.

Proviso.

Proviso.

Proviso.

State board of health to fix limits and standard when not established.

State board of health to make investigations and inquiries relating to sale of food and drugs, &c.

When to meet and adopt measures, and appoint inspectors, &c.

Amount authorized to be expended.

Third. If any valuable constituent of the article has been wholly or in part abstracted ;

Fourth. If it be an imitation of or be sold under the name of another article ;

Fifth. If it consist wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not ; or in case of milk, if it is the produce of a diseased animal ;

Sixth. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value ;

Seventh. If it contain any added, poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it ; *provided*, that the state board of health may, with the approval of the governor, from time to time declare certain articles or preparations to be exempt from the provisions of this act ; *and provided further*, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food ; *provided*, that the same are not injurious to health, and that the articles are distinctly labeled as a mixture.

4. *And be it enacted*, That the state board of health shall, from time to time, fix the limits of variability permissible in any article of food, or drug or compound, the standard of which is not established by any national pharmacopoeia.

5. *And be it enacted*, That the state board of health shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries relating thereto ; it shall also have the supervision of the appointment of public analysts and chemists, and upon its recommendation, whenever it shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked, and be held to be void and of no effect ; within thirty days after the passage of this act, the state board of health shall meet and adopt such measures as shall seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper methods of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts ; and the said board shall be authorized to expend, in addition to

all sums already appropriated for said board, an amount not exceeding five hundred dollars for the purpose of carrying out the provisions of this act.

6. *And be it enacted*, That every person selling, or offering or exposing any article of food or drugs for sale, or delivering any article to purchasers, shall be bound to serve or supply any inspector appointed under this act, who shall apply to him for that purpose, and on his tendering the value of the same for a sample sufficient for the purpose of analysis of any article which is included in this act, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offence, and one hundred dollars for a second and subsequent offence.

Persons selling bound to deliver to inspector sample of foods or drugs.

Penalty.

7. *And be it enacted*, That any violation of the provisions of this act shall be treated and punished as a misdemeanor, and whoever shall impede, obstruct, hinder or otherwise prevent any analyst, inspector or prosecuting officer, in the performance of his duty, shall be guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

Penalty for violating provisions of this act.

8. *And be it enacted*, That any acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealer.

9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect at the expiration of thirty days after it shall become a law.

When to take effect.

Approved March 25, 1881.

## CHAPTER CCXVIII.

A Supplement to an act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is a supplement, be and the same is hereby amended so as to read as follows :

Section amended.

Deposits—how  
invested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 'That it shall not be lawful, from and after the passage of this act, for any savings bank, or other savings institution, whether chartered or incorporated under a general or special act of the legislature of this state, and any provision contained in the charter, or any supplement thereto, of such savings bank or savings institution to the contrary, to invest the moneys deposited with the same in any manner, except as follows, to wit:

Securities—  
United States  
stocks or  
bonds.

I. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

State bonds.

II. In the interest-bearing bonds of this state;

Bonds of other  
states, &c.

III. In the bonds of any state in the union that has not, within ten years previous to making such investment by any such bank or institution, defaulted in the payment of any part of either principal or interest in any debt authorized by any legislature of such state to be contracted;

Stocks or bonds  
of cities in this  
or other states.

IV. In the stocks or bonds of any city, town, county or village of this state, issued pursuant to the authority of any law of this state, or of the cities of New York, Brooklyn and Philadelphia, or in any interest-bearing obligations (other than those commonly known as improvement certificates), issued by the city, town or borough in which such bank or institution shall be situated;

Bonds and  
mortgages.

V. In bonds secured by mortgages which shall be a first lien on real estate situate in this state, and worth at least double the amount loaned thereon, but not to exceed eighty per centum of the whole deposits shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee of at least three of the managers, directors or trustees of any such bank or institution, and a majority of which committee shall certify to the value of the premises mortgaged or to be mortgaged according to their best judgment; such report shall be filed and preserved among the records of the institution;

Real estate.

VI. In real estate strictly in accordance with the following provisions:

(a) A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived; the costs of such building or buildings and lot shall in no case exceed fifty per centum of the net surplus of such corporation;

(b) Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts; and all such real estate mentioned in the last preceding clause in this sub-division shall be sold by such corporation within five years after the same shall have been so purchased, unless, upon application by such corporation to the state board having the supervision of savings banks in this state, the same shall extend the time within which such sale shall be made; *pro-* Proviso. *vided*, that nothing in this act shall be construed or held to alter, affect or repeal the provisions of the fourth section of the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect.

Approved March 25, 1881.

## CHAPTER CCXIX.

An Act to prevent gaming and the use of gaming implements by minors in places where alcoholic, vinous or malt liquors, or intoxicating drinks of any kind are sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any proprietor or keeper of any saloon or other place where alcoholic, vinous or malt liquors, or intoxicating drinks of any kind are sold, shall himself, or by his agent, barkeeper or other employee, permit or allow in any such place any gaming by minors, or any playing by minors, under the age of eighteen years, with Penalty for selling various malt liquors or permitting the playing of games, &c., to minors.

cards, dice, billiard or pool balls, or any other article, device, tool or instrument whatever, such as are used in gaming, he shall be deemed to have committed a misdemeanor, and upon conviction thereof, shall be subject to fine or imprisonment, or both, as follows: for the first offence a fine of not less than ten dollars and not more than twenty-five dollars, or imprisonment in the county jail for a term not exceeding ten days, at the discretion of the court; for the second offence, a fine not less than twenty-five dollars and not more than fifty dollars, or imprisonment in the county jail for a term not exceeding thirty days, at the discretion of the court; and for each and every subsequent offence a fine of not less than fifty dollars and not more than one hundred dollars, or imprisonment in the county jail for a term not exceeding three months, or both, at the discretion of the court; *provide*<sup>d</sup>, this act shall not be construed to prohibit playing by minors when accompanied by a parent or guardian; or when parents or guardians have previously given to the keeper of the saloon or other place where intoxicating drinks are sold, written permission for their sons or wards to play in such saloon.

Proviso.

Act—when to take effect.

2. *And be it enacted*, That this act shall take effect on the first day of April, in the year of our Lord one thousand eight hundred and eighty-one.

Approved March 25, 1881.

## CHAPTER CCXX.

An Act authorizing the construction of sewers or drains in certain cities, when necessary to preserve the public health, although the limit of authorized expenditure for public improvements in such cities would thereby be exceeded.

Common council may construct or order sewer or drains to be constructed to preserve public health, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of health in any city of this state shall, after due examination and consideration, determine, by resolution in writing, adopted or con-

curring in by two-thirds of the members of said board, that it is necessary for the preservation of the public health, or the prevention of the cause or spread of disease, that a sewer or drain, or sewers or drains should be constructed in any locality in said city, and shall certify to the common council or other legislative or governing body of such city, such resolution, and the reasons for which it was adopted, then said common council or other legislative or governing body, if in their judgment such sewer or drain, or such sewers or drains seem to be necessary, as a sanitary measure, may construct or order, direct and cause such sewer or drain, or sewers or drains to be constructed, although the limit of authorized expenditures for public improvements in such city would thereby be exceeded; *provided*, that such excess of expenditure shall not in any case exceed the sum of fifty thousand dollars in any one year.

2. *And be it enacted*, That before any ordinance providing for the construction of any such sewer or drain shall be presented for the action of the legislative or governing body of any such city, all existing legal requirements with respect to the notice of intention to construct the same, shall be in all respects complied with. All legal requirements to be complied with.

3. *And be it enacted*, That in order to pay for such improvements, it shall be lawful for said city to make temporary loans in anticipation of the collection of assessments therefor, and to secure the payment of such loans by debt certificates of the city; which loans may be made pursuant to a resolution of the legislative or governing body of said city, and shall not exceed the amount of such anticipated assessments; said loans may run, with any renewals thereof, until such assessments are sold and funded; and no such certificate shall be valid in any hands if issued after the issue of the amount hereby limited; and the assessments for such improvement, when made, shall be applied as collected, to the payment of said certificates, and for no other purpose whatsoever. Temporary loans to pay for improvements may be issued.

4. *And be it enacted*, That assessments for benefits from such improvement shall be made, levied, collected, and be a paramount lien, upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect thereto; and if the said costs and expenses exceed the amount of such assessed benefits, such excess shall be paid by the said city, and raised in Assessments for benefits from improvements—how made, levied and collected. Costs and expenses exceeding benefits—how raised.

the annual tax levy following the ascertainment of the amount thereof assessed upon said city ; and the moneys so raised as aforesaid shall be pledged to the payment of the obligation of the city incurred in the construction of the said works.

Bonds may be issued to fund temporary indebtedness.

5. *And be it enacted*, That in order to fund any temporary indebtedness created by any city under the authority of this act, in anticipation of the collection of such assessments, it shall be lawful for such city, after sale of the lands and real estate whereon said assessments are a lien, by resolution of its legislative or governing body, to issue its bonds for such an amount (not exceeding the amount of liens purchased by said city at its sale for such unpaid assessments), bearing such rate of interest (not above the legal rate), and payable at such times and manner as the legislative body of said city shall determine ; and whenever any bonds shall be issued by any such city to fund its temporary indebtedness as aforesaid, all outstanding certificates of indebtedness of such city, issued as aforesaid, shall be immediately paid and cancelled ; and thereafter, all moneys received on account of the redemption of real estate so sold for such assessments shall be pledged to commissioners of a sinking fund created for that purpose, and applied to the payment of said bonds at maturity.

Certificates of indebtedness to be paid and cancelled.

Repealer.

6. *And be it enacted*, That all acts, general or special, inconsistent herewith, are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXI.

An Act to repeal an act entitled "An act for the government of cities," approved March eight, one thousand eight hundred and seventy-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the government of cities," approved March eight, one thousand eight hundred and seventy-seven, be and the same is hereby repealed.

Approved March 25, 1881.



## CHAPTER CCXXII.

An Act relative to railroad crossings and to prevent accidents.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That where any public road crosses the road bed and tracks of any railroad company in this state, it shall not be lawful for the surveyors of the highways, or other body having the power to lay out or vacate public roads in this state, to lay out or locate a public road across such railroad and tracks, within a distance of five hundred feet of such other public road or crossing; *provided*, that this act shall not apply to incorporated cities.

Unlawful to lay out or locate a public road across railroads within five hundred feet of other public road.

Proviso.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXIII.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any turnpike or other public road, or any part thereof, in any county of this state, shall have been purchased and acquired, the same, so far as it lies in any township of said county, shall, at the cost and expense of the said township, and not at the cost and expense of the said county, be graded, regulated, worked, repaired, maintained and kept up, and, if deemed necessary or proper by the

Turnpikes or other roads, purchased or acquired, to be graded, worked, maintained, &c., at the cost and expense of township.

Costs and expenses to be raised by taxation.

When road forms a division line, the amount raised to be expended on portion allotted to township.

Township not to be held responsible for portion not allotted or assigned.

Amount of money to be raised for maintaining and keeping up, &c., the road, to be specified on ballots at election.

inhabitants of said township, the same or some portion thereof shall be macadamized, and such grading, regulating, working, repairing, maintaining, keeping up and macadamizing shall be done by such person or persons as may for that purpose be employed by the town committee of said township, and in such manner as said town committee shall order and direct; and the amount of money necessary for paying the cost and defraying the expense aforesaid shall be determined by the inhabitants of said township in the same manner in which they now are or hereafter may be authorized by law to determine the amounts to be expended for township purposes, and shall be raised by taxation in the same manner as other township taxes.

2. *And be it enacted*, That if such road, or any part thereof, so as aforesaid purchased and acquired, shall form the division line between two or more townships in any county of this state, and if specific portions thereof shall have been allotted or assigned, in such manner as may be authorized by law, to said townships respectively, to be by them graded, regulated, worked, repaired, maintained, kept up and macadamized, the amount so as aforesaid to be raised in any township shall be wholly expended on that portion of said road so as aforesaid allotted or assigned to said township; and the inhabitants of said township shall in no case be held responsible for not grading, regulating, working, repairing, keeping up or macadamizing any portion of said road not allotted or assigned to said township as aforesaid, although some part thereof may lie within the boundary line of said township; but therefor, the inhabitants of the township to which any portion of said road shall have been allotted or assigned as aforesaid shall alone be responsible, although some part thereof may lie within the boundary line of said township.

3. *And be it enacted*, That at every annual election of township officers, in any township required by the provisions of this act to grade, regulate, work, repair, maintain, keep up or macadamize such road or any part thereof, so as aforesaid purchased and acquired, the amount of money so as aforesaid to be expended thereon, and also that portion of said amount to be expended in macadamizing the same, if any, shall be specified on the ballots and be voted for, and be determined on a canvass of the votes, as other amounts to be raised for township purposes are by law determined.

4. *And be it enacted*, That if, for any reason, the amount so to be expended on such road as aforesaid, by such township, shall not have been voted for and determined at such annual election, the town committee of such township may, at their discretion, resolve that a town meeting be held for the purpose of determining the amount to be raised for expenditure on said road, and the portion thereof to be expended in macadamizing the same, and notice thereof, and of the time, place, and object or purpose thereof, shall be given; and the same shall be held and conducted in the manner required by law in other cases of special town meetings.

Failure to vote money, town committee may call a town meeting to determine amount of money to be raised.

5. *And be it enacted*, That said amount to be expended on said road by said township shall be assessed and collected by the assessor and collector, or other proper officer or officers of said township, in the manner and at the time prescribed by law for the assessment and collection of other township taxes, and for assessing and collecting the same such officers shall each receive, as additional compensation, fees equal to the one-half part of such fees as they may by law be authorized to receive for the assessment and collection of state and county taxes.

Amount to be expended—how assessed and collected.

6. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act concerning bridges and turnpikes,' " approved March twelfth, one thousand eight hundred and seventy-eight, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, and the act entitled "A supplement to an act entitled 'Supplement to an act concerning bridges and turnpikes,' " approved March fourteenth, one thousand eight hundred and seventy-nine, which supplement was approved March fourth, one thousand eight hundred and eighty, be and the same are hereby repealed.

Certain acts repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXIV.

An Act concerning the compensation of commissioners of highways.

Members of board of commissioners of highways not entitled to compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter members of any board of commissioners of highways in any township in this state, elected under and by virtue of the provisions of any special act, at the time and in the manner that other township officers are elected, shall not be entitled to receive any compensation for their services as such commissioners.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXV.

An Act to provide for the recording of surveys of the route or routes of railroads within this state.

Surveys of railroad companies to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where, under the provisions of any law of this state, any survey of the route or routes of any railroad authorized by any law of this state, or the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof, have heretofore been deposited or shall hereafter be deposited in the office of the secretary of state, it shall be the duty of the sec-

retary of state, upon being thereunto requested by the corporation operating such railroad, and with the assent of the board of directors of the corporation itself, whose road may be leased or operated by any other railroad, to record such survey at length in a proper book to be by him provided at the expense of the state for that purpose upon payment of the fees provided by law for the recording of deeds; and the record aforesaid, or the transcript of such record, duly certified to be a true copy, under the seal of the secretary of state, shall be received in evidence in any court of this state, and shall be effectual proof of the survey and location of the route or routes, works, buildings, conveniences, appurtenances and appendages of such railroad as delineated or expressed therein; *provided*, nothing in this act shall be construed to apply to any case touching which litigation is now pending.

Certified copy  
of record to be  
evidence.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXVI.

An Act concerning the publication of ordinances, financial statements and other public notices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state the ordinances passed by the city councils thereof shall be published in at least one newspaper, printed and published in the city affected by said ordinances, for at least two insertions before said ordinances shall become operative and binding.

Ordinances to  
be published

2. *And be it enacted*, That the said city councils shall publish the annual financial statements of such cities, in at least one newspaper, printed and published in the city for which said financial statement is made, for at least two insertions; and all other public notices, required by law to be published in any manner, shall be published in at least one newspaper in said cities for at least two insertions; *provided*, that in any

Annual finan-  
cial statements  
and public no-  
tices to be pub-  
lished.

Proviso.

case where such publication is made in two newspapers, said papers shall not be of the same political party, unless all the papers published in such city are of the same political party.

Compensation  
for publishing  
ordinances,  
statements, &c.

3. *And be it enacted*, That the newspaper publishing such ordinances, financial statements, and all other public notices, shall have been published for a period of two years before such publication can be legally made therein, and that the compensation for publishing the above mentioned ordinances, financial statements, and other public notices, shall be the same as is now allowed for legal advertising in this state, and no more; and that in such cities as now have or may hereafter have more than one official paper, the ordinances, public notices and official minutes of the municipal boards in said city shall be published in said official papers, and that the compensation for such publications in cities having more than one official paper shall be fixed by the authorities appointing such papers.

4. *And be it enacted*, That all acts or parts of acts in conflict with this act are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXVII.

An Act to amend an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of said act be amended as follows:

Expenses of  
institutes to be  
paid by treas-  
urer.

76. *And be it enacted*, That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, there may be paid, annually, to the state superintendent of public instruction, a sum not exceeding one hundred dollars to one teachers' institute in any county, or in any

two or more adjoining counties of this state, the same to be paid out of the state treasury on the warrant of the comptroller, upon itemized accounts rendered to him by the state superintendent of public instruction, of the expenses incurred.

Approved March 25, 1881.

## CHAPTER CCXXVIII.

An Act concerning the equitable settlement of past due taxes and assessments by boards of finance and taxation in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation or other board having control of the financial affairs of any city in this state, may make such equitable settlement of past-due taxes and assessments as such board shall deem to be for the best interests of such cities; *provided*, that such settlement shall not apply to any taxes or assessments due after the first day of May, one thousand eight hundred and seventy-nine; *and provided further*, that such settlement shall be made before the first day of March, one thousand eight hundred and eighty-three; *and provided further*, that the said board of finance and taxation shall put into the tax levy, each year, any and all deficiencies accruing or arising from any settlement, adjustment or compromise of any taxes or assessments under the provisions of this act.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXIX.

A Supplement to an act entitled "An act concerning corporations," [Revision], approved April seventh, one thousand eight hundred and seventy-five.

In proceedings  
against foreign  
corporations,  
upon whom  
writs may be  
served.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings in any of the courts of this state against any foreign corporation, or body corporate, not holding its charter under the laws of this state, in any matter requiring the use of any prerogative writ, such writ may be served upon the president, vice president, secretary, or other head officer of such corporation or body corporate, or upon any director thereof, either personally or by leaving a copy thereof at the dwelling house or usual place of abode of such officer or director, or upon any general agent, attorney, or solicitor, superintendent or manager of such corporation, and such service shall be good and valid to all intents and purposes; *provided*, that this act shall only apply to or affect the service of writs of mandamus or prerogative writs hereafter to be issued in proceedings or actions hereafter to be commenced or instituted.

Proviso.

Refusal to  
make proper  
return to writ,  
court empow-  
ered to attach  
property of  
corporation.

2. *And be it enacted*, That in case any such corporation, after the service of any such writ, as aforesaid, shall neglect or refuse to make a proper return thereto, or shall neglect or refuse to obey the command of any such writ, when issued upon any judgment, order or decree of the supreme court, court of chancery, or any of the circuit courts of this state, and served as aforesaid, within the time prescribed by such writ; the said courts shall have power, and authority is hereby given them, to enforce such writs by attachment against the property and estate, goods and chattels, rights and credits of such corporation, that may be found within this state.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and are hereby



repealed, and that this shall be a public act and take effect immediately.

Approved March 25, 1881.

## CHAPTER CCXXX.

An Act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions and incorporated camp meeting associations or seaside resorts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city, incorporated borough, or police, sanitary and improvement commission, incorporated camp meeting association or seaside resort, in this state, to make and establish ordinances for the following purposes, viz., license and regulate cartmen, porters, hack, car, omnibus, milk wagon, stage and truck owners and drivers, and carriages and vehicles used for the transportation of passengers, baggage, merchandise, goods and articles of any kind, auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath houses, boarding houses and news stands, sweeps and scavengers, traveling shows and circuses, and to fix the rates of compensation to be paid therefor, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities; and the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm situated in this state.

Authorized to make and establish ordinances for licensing of cartmen, hacks, stages, cars, &c., &c.

Proviso.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 25, 1881.



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# JOINT RESOLUTIONS.

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# JOINT RESOLUTIONS.

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## NUMBER I.

Joint resolution for the better ventilation of the senate and assembly chambers.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the needed alterations and improvements shall be made in the ventilation of the senate and assembly chambers, upon such plan as may be adopted and approved by the governor and the treasurer, for the better ventilating of the same, and for the prevention of the downward currents of cold air, the same to be done in a permanent and substantial manner, at an expense not exceeding five hundred dollars, and the necessary amount for that purpose is hereby appropriated for the payment of the same, the bills for which shall be audited by the comptroller, and upon the approval of the governor, paid on his warrant, by the treasurer.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 23, 1881.

## NUMBER II.

Joint Resolution in reference to revision of the statutes for use of the courts.

WHEREAS, The number of copies of the revision of the statutes of New Jersey in the state library is insufficient for the use of both the courts and the legislature,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer is hereby authorized and directed to furnish to the state librarian twelve copies of the revision of the statutes of the state of New Jersey, the same to be plainly stamped, "State Library of New Jersey," and delivered to the sergeants-at-arms of the state courts, for use in said courts when in session at the state house in Trenton.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 24, 1881.

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NUMBER III.

Joint Resolution to authorize the payment of the expenses of the New Jersey State Rifle Team.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury be and he is hereby authorized and empowered to draw his warrant for and the treasurer is authorized to pay the expenses incurred by the military state team that represented this state at the late fall meeting of the National Rifle Association at Creedmoor; *provided*, the amount thereof shall not exceed two hundred and fifty dollars.

2. *And be it resolved*, That this resolution shall take effect immediately.

Passed February 28, 1881.

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#### NUMBER IV.

**Joint Resolution** respecting the celebration of the centennial of the battle of Cowpens, and the erection and unveiling of a memorial column, at Spartanburg, South Carolina, in honor of the victors.

**WHEREAS**, It is proposed by the state of South Carolina to erect at Spartanburg, in that state, a memorial column in honor of the soldiers, from the north and south, who achieved a victory at the battle of Cowpens, in the war of the revolution; *and whereas*, the state of New Jersey, as one of the thirteen states forming the original union, has been invited to participate in said erection and unveiling, and to make a small money appropriation for the purpose of being formally identified with the enterprise; therefore,

1. **BE IT RESOLVED** *by the Senate and General Assembly of the State of New Jersey*, That our state cordially expresses its approval of the proposed action of the state of South Carolina, and cherishes the patriotic spirit and memories which prompt it, and that the state treasurer be and is hereby authorized and directed to pay to the treasurer of the state of South Carolina, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred dollars, in order that the state of New Jersey may be formally identified with the memorial and in the panel thereon set apart for the middle states.

2. *And be it resolved*, That a delegation consisting of his excellency the governor, the president of the senate, the speaker of the house of assembly, and two members of the senate and two members of the house of assembly, to be appointed by the respective presiding officers thereof, be and are hereby author-

ized and requested to confer with the proper authorities of the states of New York, Pennsylvania and Delaware, in determining as to the inscription to be placed upon said panel and in selecting an orator to represent the middle states on the occasion of the unveiling of said memorial column.

3. *And be it further resolved*, That the secretary of state be and is hereby directed to transmit an engrossed copy of this joint resolution, under the great seal of the state of New Jersey, to his excellency the governor of the state of South Carolina.

Approved March 3, 1881.

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## NUMBER V.

Joint Resolution in relation to the struggle of the Dutch farmers in the south of Africa to maintain their independence.

WHEREAS, The people of New Jersey owe much to Holland in the early settlement of the state for many of our civil and religious institutions and in addition, intermarriages of the descendants of the early settlers during the last two centuries has made a large portion of our population kindred by blood to the Dutch people both in the fatherland and those countries colonized by them; *and whereas*, the unequal fight between the handful of Dutch farmers in the south of Africa with the mighty British empire appeals especially to our sympathies, not only as a kindred people but to our gratitude for the aid extended to us by the Dutch in our similar contest with Great Britain for independence; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our representatives in congress be requested to use all honorable efforts tending to a settlement of this unhappy contest by the civilized and christian method of arbitration, instead of the barbarous one of force and superior might, and that they especially give encouragement if



possible to that appeal to the fairness and magnanimity of the English people lately made by leading citizens of Holland in behalf of the Dutch farmers of South Africa in their patriotic struggle to maintain their independence against the mighty power of the British empire.

2. *And be it resolved*, That his excellency the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved March 3, 1881.

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## NUMBER VI.

Joint Resolution as to certain military papers of this state loaned to the general government.

WHEREAS, It is known to the authorities of this state that there are among the archives of the department of state and the department of the interior, Washington, District of Columbia, important papers pertaining to the early military history of New Jersey, as well as a large number of the original muster and pay-rolls of the troops of this state in the revolutionary war, at one time the property of the state and loaned to the general government after the destruction of their records during the war of eighteen hundred and twelve, for the verifying of claims filed against the United States, under pension and bounty land acts; and it being desirable for the purpose of perfecting the military records of this state, that these papers and rolls should be returned or copies thereof made; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized and empowered to direct the adjutant general to take such measures as may seem best for the interests of the state, to secure if possible these original papers and rolls, and if on a failure to procure copies of the same, they to be certified as correct by the proper government officials having the custody of these records.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 9, 1881.

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## NUMBER VII.

Joint Resolution to enable the state of New Jersey to take part in the celebration of the centennial anniversary of the battle of Yorktown.

WHEREAS, The congress of the United States, on the twenty-ninth-day of October, one thousand eight hundred and seventy-one, did adopt the following resolution: "That the United States, in congress assembled, will cause to be erected at York, Virginia, a marble column adorned with emblems of the alliance between the United States and his Most Christian Majesty, and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his Excellency General Washington, commander-in-chief of the combined forces of America and France, to his Excellency Count de Rochambeau, commanding the auxilliary troops of his Most Christian Majesty in America, and his Excellency Count de Grasse, commanding-in-chief the naval army of France in the Chesapeake;" *and whereas*, the forty-sixth congress did, to carry into effect the foregoing resolution, enact a law appropriating one hundred thousand dollars to be expended under the direction of the secretary of war, in erecting the monument above referred to, at Yorktown, in Virginia, and also the sum of twenty-thousand dollars to make all necessary arrangements for such celebration of the centennial anniversary of the battle of Yorktown, on the nineteenth day of October, one thousand eight hundred and eighty-one, as shall befit the historical significance of that event and the present greatness of the nation; *and whereas*, the congress of the United States appointed a joint committee to make all necessary arrangements for such celebration; *and whereas*, the said committee of congress

have extended their invitations to the governors and the commissioners of all the states to be present on that occasion with their military staffs and such military organizations as they may wish to accompany them, and expressing the desire that at least the thirteen original states shall provide for as imposing a representation as possible, by the presence of their civil officers and their military organizations, and that each state shall provide itself with such means of transportation and accommodation while present at the celebration, as will enable it to take part in such local services as may take place; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized and requested to organize a provisional battalion, composed of companies selected from the whole body of the national guard for their proficiency in drill and discipline and soldierly bearing, neatness in appointments and equipments, to be designated by inspection and competitive drill, and the governor may detail field and staff officers of suitable rank to command said battalion, and cause to be furnished the necessary transportation, such camp and garrison equipage and commissary and other stores requisite for their accommodation and subsistence while in camp at Yorktown, as may be creditable to this state and the occasion, and the governor is authorized and empowered to make his requisition upon the treasury to meet the necessary and proper expenses to carry out the provisions of this resolution, and the comptroller is hereby authorized to draw his warrant for the same, and the governor shall cause an accurate and detailed account to be kept of the expenditures, and shall file the same, together with proper vouchers, with the comptroller, who shall report the same to the next session of the legislature.

Approved March 17, 1881,

## NUMBER VIII.

## Joint Resolution in relation to sale of lands by the East Jersey Proprietors.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That in order to ascertain and quiet the title and rights of all parties and persons who have purchased, leased or acquired any lands under the waters or rivers of this state, by virtue of the authority of any of the enactments of the legislature of this state, and to ascertain and secure to such persons or parties the enjoyment of the same and the products thereof, against any alleged claim or attempted sale thereof by the board of proprietors, or their representatives, agents or agent, either heretofore or hereafter, and in order to restrain and prohibit all and every person or persons or association or board of proprietors from interfering with the right and property of the state of New Jersey, and of any person or persons enjoying possession of any part of the same, by authority of any of the acts of the legislature of this state, in said waters, and in said lands under or adjacent to said waters, and the products thereof, and from doing or to do any act which will in any way cast any cloud on the title of the state, or of any of such other persons or parties having, or lawfully or equitably claiming any right or title or property therein, by lease, deed or contract of any kind from the state; the attorney general of this state is hereby authorized and required, in the name of the state of New Jersey, and at the expense of the state, speedily to institute and prosecute, in the proper court or courts, such proceedings as he may deem necessary and proper to accomplish the objects and purposes above set forth, against the board of proprietors, their representatives or agents or any of them, who have attempted or may attempt to enforce any such sale or conveyance of, in or to any of said lands, or the products thereof, and as will determine and secure to the state of New Jersey, and to the

proper respective parties rightfully and lawfully claiming by deed, lease or contract under, by, through or with the state of New Jersey, title or property in said waters and the lands and products aforesaid, or any part of the same, the full and perfect title and enjoyment and use of the same.

Approved March 17, 1881.

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### NUMBER IX.

**Joint Resolution to authorize the payment of assessments to the city of Trenton upon property of the state for street improvements.**

**WHEREAS,** The common council of the city of Trenton have caused to be paved those parts of Clinton avenue and Perry street in said city, in front of property of the state of New Jersey, used for the purposes of the Normal and Model schools, and the boarding houses connected therewith, and the board of city assessors have duly assessed the sum hereinafter named upon the said property of the state as its proportion of the expense and of the actual benefit which said property has received from said improvement,

1. **BE IT RESOLVED** *by the Senate and General Assembly of the State of New Jersey,* That the state treasurer be and he hereby is authorized and directed to pay to the treasurer of the city of Trenton the sum of thirty-five hundred and ninety-nine dollars and twenty-two cents, the amount of said assessments.

Approved March 22, 1881.

## NUMBER X.

Joint Resolution in relation to furnishing the state library of Minnesota with the laws, reports, et cetera, of New Jersey.

WHEREAS, The state library of Minnesota was destroyed by fire on March first, one thousand eight hundred and eighty-one; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized and empowered to furnish to the state librarian such laws, reports, documents, et cetera, of this state as can be spared, to be forwarded to the state library of Minnesota.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 23, 1881.

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# SPECIAL PUBLIC ACTS.

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# SPECIAL PUBLIC ACTS

PASSED BY THE

## ONE HUNDRED AND FIFTH LEGISLATURE.

### CHAPTER VII.

An Act for the division of the township of Upper Penns Neck, county of Salem, and to create a new township of the same, to be known as Oldmans township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Upper Penns Neck, in the county of Salem, lying within the following boundaries, to wit: Beginning at the middle of Oldmans creek, being the east corner of said township and corner to Pilesgrove township, and running along said township line until it intersects the middle of the Courses Landing road; thence down the middle thereof to a public road from the Pilesgrove line near Atwood's house; thence down the middle thereof, (1) north, fifty-two and three-quarter degrees west, thirty-seven chains, seventy-five links; (2) north, twenty-three degrees, forty minutes west, thirty-seven chains, twenty-five links; (3) north, thirty and one-half degrees west, seventy-one chains, seventy-five links; (4) north, thirty-nine degrees, forty minutes west, seven chains, twelve links; (5) north, thirty-three and one-half degrees west, nine chains, to a public road leading from Perkentown to the forked hickory; thence north, fifteen degrees west, about one and a half miles to the Delaware river railroad, where it intersects Wepo Hook Run, and from thence running down the middle of the main stream thereof, along its general windings to the Delaware river, being about one mile; thence square out in the Delaware river

Township divided into two townships.

Boundaries of the township of Oldmans.

to the ship channel; thence up the main ship channel to opposite the mouth of Oldmans creek; thence square in until it intersects the Salem and Gloucester counties' line, in the middle of said creek; and from thence running up the middle of the main stream thereof, along its general windings, about twenty-one miles, to the place of beginning, shall be, and hereby is, set off from the township of Upper Penns Neck, in the county of Salem, and made a separate township, to be known by the name of "The Township of Oldmans."

Corporate  
name.

2. *And be it enacted*, That the inhabitants of the township of Oldmans are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the Township of Oldmans, in the county of Salem," and shall be entitled to all the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of other townships in the said county of Salem are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said township of Upper Penns Neck, so far as the same are or can be applicable to said township of Oldmans when set off as aforesaid.

The first town  
meeting in Old-  
mans—when  
and where  
held.

3. *And be it enacted*, That the inhabitants of the township of Oldmans shall hold their first town meeting at the school house in Pedricktown, in said township of Oldmans, on the day appointed by law for holding the annual town meetings in the county of Salem, and thenceforward at such place in said village as the inhabitants may appoint at each prior annual town meeting.

Towns commit-  
tees to meet and  
allot and di-  
vide property  
and money, &c.

4. *And be it enacted*, That the township committees of Upper Penns Neck and Oldmans shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the Odd Fellows Hall, in the village of Pennsgrove, in the township of Upper Penns Neck, and shall then and there proceed, by writing, to be signed by a majority of those present, to allot and divide between the said townships, all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of said townships, at the last assessment; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Oldmans shall be liable to pay their just proportion of the debts, if any there

; and if any of the members of the said committees shall neglect to meet as aforesaid, those present may proceed to make such division, or the decision of a majority of them shall be final and conclusive.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Upper Penns Neck at the time this act goes into operation shall thereafter be chargeable to and supported by that township within the bounds of which they acquire their settlements respectively, or in which the paupers may reside at the time of acquiring their respective settlements. Support of paupers.

6. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of Oldmans, of, in, or to any portion of the surplus revenue of the United States government to which the said township may now, or at any time hereafter, be entitled in the distribution of the surplus revenue of its income. Right to surplus revenue not impaired.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township set off and called Oldmans, nor with the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation. Officers in commission not affected.

8. *And be it enacted*, That nothing in this act contained shall be construed to impair, or in anywise affect, the right of the said township of Oldmans to any portion of the state school fund and to which the said township may now or at any time hereafter be entitled in the distribution of said moneys. Right to state school fund not impaired.

9. *And be it enacted*, That the inhabitants of the township of Oldmans shall hold their first township meeting at the time and place hereinbefore set forth, and at the first township election William H. Pedrick shall be the judge of election, and Joseph W. Cooper and Alexander Justice, inspectors of election; and in case of the absence of one or more of them the vacancy shall be filled by the electors present as in other township elections, and a majority of such inspectors and judges shall appoint a clerk of said election. Judges of election. Appointment of clerk.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1881.

## CHAPTER IX.

An Act to establish a new township in the county of Gloucester, to be called the township of East Greenwich.

Formation of a new township.

Boundaries of the township of East Greenwich.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Greenwich and Mantua, in the county of Gloucester, contained within the following bounds, to wit: Beginning in the middle of Great Mantua creek, opposite the westerly line of John A. Loudenslager's farm; thence following said line a westerly course to the middle of the public road leading from Berkeley to Gibbstown; thence by a straight line to the westerly edge of the public road leading from Paulsboro to Swedesboro, at the run near William E. Gaunt's dwelling house; thence down the westerly edge of said road to the middle of Purgy creek, in the line of Logan township; thence by the easterly line of Logan, Woolwich and Harrison townships to a large cherry stump near Joseph Stewart's dwelling house, where said Harrison township line intersects the westerly edge of the Union road; thence from said point bearing about north forty-four degrees east to the middle of Great Mantua creek aforesaid, said line passing a stone set in the westerly edge of said creek sixty-three feet eastwardly from an ancient white oak stump standing on the westerly bank thereof, northeast from Charles Shoemaker's dwelling house; thence down the middle of said creek to the place of beginning, shall be and are hereby set off from the said townships of Greenwich and Mantua, in the county of Gloucester, and made a separate township to be known by the name of the township of East Greenwich.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of East Greenwich shall be and are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of East Greenwich, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that other town-

ships of the said county of Gloucester are or may be entitled or subject to by the existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of East Greenwich aforesaid shall hold the first annual town meeting at Warner's Hall, in Clarksboro, in said township, at the time fixed by law for holding annual town meetings in the several townships of the county of Gloucester.

Where first annual town meeting to be held.

4. *And be it enacted*, That the township committees of the townships of East Greenwich and Greenwich shall meet on the first Monday in April next, at Cramer's Hotel, in Paulsboro, in Greenwich township, at ten o'clock in the forenoon, and the township committees of the townships of East Greenwich and Mantua shall meet at Newton's Hotel, in Mantua, in the township of Mantua, at ten o'clock in the forenoon, on the second Monday of April next, and each of the said joint committees shall, at times and places specified, proceed by writing, signed by a majority of those present, to allot and divide between their respective townships, all property; real and personal, or moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and may adjourn the said meetings respectively, from time to time, as a majority of those present may think proper; and the inhabitants of each of the respective townships shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should refuse or neglect to meet as aforesaid, those assembled may proceed to make the said divisions, and the decision of a majority of those present shall be final and conclusive.

Township committees to meet and allot property, moneys, &c.

5. *And be it enacted*, That J. Albert Wolf shall be and is hereby constituted the clerk of the township of East Greenwich until after the first annual town meeting of said township; and it shall be his duty, as such, to set up notices as required by law, for holding said town meeting, together with all the usual duties of town clerk.

Clerk of the township.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners of deeds, until they shall expire by their own limitation, or so as to impair the rights of the said township of East Green-

Officers in commission not affected.

wich, in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof.

Assembly district.

7. *And be it enacted*, That the said township of East Greenwich shall form a part of the first assembly district of the county of Gloucester.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1881.

### CHAPTER XXIII.

A Further Supplement to an act entitled "An act to authorize the planting of oysters on lands covered with water in Shark river, in the county of Monmouth, and for the protection of the same," approved March fourteenth, one thousand eight hundred and sixty-one.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which section as amended by chapter three hundred and eighteen of the special, public and private laws of one thousand eight hundred and seventy, reads as follows:

1. "BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say: beginning at low water mark at Pearch Point, in the township of Ocean in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge

Island bar; also beginning at low water mark at Peach Point, in the township of Ocean, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Ocean; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, and during the term of twenty years from and after the passage of this act," be and the same is hereby amended to read and be in the following words, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say: beginning at low water mark at Peach Point, in the township of Neptune, in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge Island bar; also beginning at low water mark, at Peach Point, in the township of Neptune, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Neptune; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, until the fourteenth day of March, in the year of our Lord one thousand nine hundred and one.

Section as amended.

Freeholders authorized to occupy part of river.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

## CHAPTER XXXIV.

A Further Supplement to "An act to provide for the establishing and marking the boundary line between the counties of Passaic and Bergen," approved April fourth, one thousand eight hundred and seventy-eight.

Compensation  
of commission-  
ers for marking  
boundary line,  
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by the act to which this is a supplement, and who were continued in office by chapter thirty-three of the laws of one thousand eight hundred and eighty, and who have completed the duties required of them, but have received no compensation whatever for the performance of said duties, shall each be entitled to receive three dollars for each day served by them under said acts, and those commissioners who have not been reimbursed for their expenses, shall be entitled in addition to five cents per mile for each mile traveled by them in going to and returning from the place of meeting of the commissioners; the compensation hereby allowed shall be paid by the boards of chosen freeholders of the counties in which the said commissioners respectively reside; *provided*, the whole amount to be paid shall not exceed three hundred (300) dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.



## CHAPTER XL.

**An Act to transfer certain portions of the townships of Frelinghuysen and Hardwick, in the county of Warren, to the township of Blairstown, in the county of Warren.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Frelinghuysen and Hardwick, in the county of Warren, included within the following described boundaries, to wit: Beginning at a point in the line between the townships of Blairstown and Frelinghuysen, where the centre line of the public road, near the residence of Lemuel Crisman, crosses said line, and running thence by the centre of said road in a northeasterly direction to the junction of the road leading from James V. Van Camp's to Paulina, on the hill near the Paulina school house; thence crossing the Paulinskill in a course north, twenty-six degrees west, eighty-four chains and thirty-two links to a heap of stones on the north side of the road leading from John Konkle's to Philip W. Squier's, both in the township of Hardwick, about six chains east of John Konkle's residence; thence by a line north, forty-five degrees west, twenty-six chains and ten links to a heap of stones in the line between the townships of Blairstown and Hardwick; thence by the line between Blairstown and the townships of Hardwick and Frelinghuysen, in a southeasterly direction to the place of beginning, be and the same is hereby transferred and set over from said townships of Frelinghuysen and Hardwick, and is attached to and made part of the township of Blairstown, in said county of Warren, and subject to all laws, rules and regulations to which said township of Blairstown now is or may hereafter be made subject, and all persons residing within the boundaries of the aforementioned tract of land shall be entitled to all the rights and privileges, and subject to all the duties and obligations of residents of said township of Blairstown, and that the boundary line between

Boundaries of the portions of townships transferred and annexed.

the said townships of Frelinghuysen and Hardwick and the township of Blairstown shall henceforth be, in part, as hereinbefore set forth and described.

Taxes assessed  
—to whom paid  
and how col-  
lected.

2. *And be it enacted*, That all taxes heretofore assessed in said townships of Frelinghuysen and Hardwick, or either of them, upon any lands lying within the boundaries of the tract of land by this act transferred to the township of Blairstown, or upon any person residing within said boundaries, shall continue to be payable to and collectable by the proper officers of said townships of Frelinghuysen and Hardwick, respectively, and all and every process of law necessary or convenient for the collection of such taxes may be exercised by the proper officers of said townships of Frelinghuysen and Hardwick, or either of them, who are now authorized to carry on the same.

Lands de-  
scribed and set  
over to form  
part of road  
district.

3. *And be it enacted*, That the lands hereinbefore described and set over to said township of Blairstown shall, until otherwise directed by the proper authorities of the last named township, be and form part of the road district of the township of Blairstown, in the county of Warren, in which the village of Blairstown lies.

Township offi-  
cers to have  
jurisdiction or  
authority over  
the lands set  
over, &c.

4. *And be it enacted*, That the several township officers of the townships of Frelinghuysen and Hardwick shall (except as hereinbefore provided) cease to have or exercise any jurisdiction or authority over the lands hereinbefore described and bounded and set over to the township of Blairstown, and the township officers of said township of Blairstown shall have full jurisdiction and authority over said lands and the inhabitants thereof.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1881.

## CHAPTER CLXV.

An Act to establish a new township in the county of Warren,  
to be called the township of Pohatcong.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Formation of</sup>  
*the State of New Jersey,* That all that part of the township of <sup>new township.</sup>  
Greenwich, in the county of Warren, contained within the <sup>Boundaries.</sup>  
following bounds, to wit: Beginning at the line between the  
townships of Lopatcong and Greenwich, at a point on said  
line between the farms of William Hamlin and Jacob Paulus;  
thence in a southeasterly course to a corner of the public road at  
the house occupied by the sexton of the Saint James' Lutheran  
Church; thence along said road to Stillvalley; thence to the  
forks of the road at the farm house of Robert T. Smith;  
thence in a direct course to a corner between the farms of  
Daniel Cease and Henry R. Kennedy; thence along the line  
between — Robbins and Henry R. Kennedy; thence on  
the line between the lands of Kase and Crevling to the Mus-  
conetcong river at or near Pine Hollow bridge; thence down  
the middle of said river to its confluence with the Delaware  
river; thence up the Delaware river to the line between  
the townships of Lopatcong and Greenwich; thence along said  
line to the place of beginning, shall be and is hereby set off  
from the township of Greenwich, in the county of Warren,  
and made a separate township, to be known by the name of  
the township of Pohatcong.

2. *And be it enacted,* That the inhabitants of the township <sup>Corporate</sup>  
of Pohatcong shall be and are hereby constituted a body <sup>name.</sup>  
politic and corporate in law, by the name of "The Inhabitants  
of the Township of Pohatcong, in the County of Warren,"  
and shall be entitled to all the rights, powers, authority,  
privileges and advantages, and shall be subject to all the regu-  
lations, government and liabilities that other townships of the  
said county of Warren are or may be entitled or subject to by  
the existing laws of this state.

When first annual town meeting to be held.

3. *And be it enacted*, That the inhabitants of the township of Pohatcong aforesaid, shall hold the first annual town meeting at the hotel of Joseph Hulshizer, in Springtown, in said township, at the time fixed by law for holding annual town-meetings in the several townships of the county of Warren.

Township committee to meet and allot property, moneys, &c.

4. *And be it enacted*, That the township committees of the townships of Greenwich and Pohatcong shall meet on the second Monday in April, eighteen hundred and eighty-two, at Samuel Metler's hotel, in Stillvalley, in Greenwich township, at ten o'clock in the forenoon, and each of the said joint committees shall, at the time and place specified, proceed by writing, signed by a majority of those present, to allot and divide between their respective townships all property, real and personal, or moneys on hand, due or to become due, in proportion to the taxable property and ratables, as taxed by the assessor in their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of each of the respective townships shall be liable to pay their just proportion of the debts, if there should be any; and if any of the persons comprising either of the township committees should refuse or neglect to meet as aforesaid, those assembled may proceed to make the said divisions, and the decision of a majority of those present shall be final and conclusive.

Clerk of township.

5. *And be it enacted*, That L. M. Jacoby shall be and is hereby constituted the clerk of the township of Pohatcong until after the first annual town meeting of said township; and it shall be his duty, as such, to set up notices, as required by law, for holding said town meeting, together with all the usual duties of town clerk.

Officers in commission not affected.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners of deeds, until they shall expire by their own limitation, or so as to impair the rights of the township of Pohatcong, in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof; *provided*, that nothing herein contained shall interfere with or impair the present township officers until the annual spring election of the year one thousand eight hundred and eighty-two.

Proviso.

7. *And be it enacted*, That the said township of Pohatcong <sup>Assembly dis-</sup>  
all form a part of the first assembly district of the county  
Warren.

8. *And be it enacted*, That this act shall take effect on the  
st day of January, one thousand eight hundred and eighty-  
ro.

Approved March 24, 1881.



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# PRIVATE ACTS.

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PRIVATE ACTS  
PASSED BY THE  
ONE HUNDRED AND FIFTH LEGISLATURE.

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CHAPTER XIV.

An Act to authorize Joel Wilson and others, trustees for the Religious Society of Friends, to sell a certain meeting house and lot of ground in the township of Shrewsbury, county of Monmouth and State of New Jersey.

WHEREAS, It has been represented to the legislature of the <sup>Preamble.</sup> state of New Jersey that Joel Wilson, of the county of Middlesex, Henry Wood, William C. Ivins, Samuel Allinson and James Allinson, of the county of Mercer, and Richard F. Mott, of the county of Burlington, in this state, acting as trustees for the Religious Society of Friends, do now hold a certain meeting house and lot of ground situated in the village and township of Shrewsbury, in the county of Monmouth, in the said state, described as follows, to wit: Beginning at the northeast corner of Edward Henry Vanuxem's lot, thence running westwardly four chains and sixty-three links, to the line of James Dorset; thence northwardly on said line, one chain eleven and one-half links; thence eastwardly on the south line of said Dorset, four chains and sixty-three links, to the road from Eatontown to Red Bank, and thence southwardly on said road, one chain eleven and one-half links, to the place of beginning, containing fifty

one-hundredths of an acre, more or less ; that the particular trusts and purposes for which said meeting house and lot are so held are set forth in the original deed for the same, made by Benjamin Parker and Margaret, his wife, of the said township of Shrewsbury, to Luke Conrow and others, dated the fifteenth day of the seventh month, anno domini one thousand eight hundred and forty-three, and recorded in the clerk's office of the said county of Monmouth, in Book K4 of Deeds, page forty-four, et cetera ; that among the said trusts and purposes it is declared by the said deed that the grantees and trustees therein named, and their successors in the said trusts, should hold the said house and lot of ground for the only proper use, benefit and behoof of the monthly meeting of the Religious Society of Friends (called Orthodox), in the township of Shrewsbury, to be used and applied in such manner as the said monthly meeting shall direct, or if, in case the said monthly meeting shall cease to exist, then to be used and applied as the quarterly meeting of the said Society of Friends held at Shrewsbury and Rahway might direct ; or in case the said quarterly meeting should be dissolved, then to be used in such way as the yearly meeting of the said Society of Friends (called Orthodox) for Pennsylvania and New Jersey, et cetera, held on Arch street, in the city of Philadelphia, might direct ; yet, so as to secure to the Friends (called Orthodox, and no others.) in the township of Shrewsbury a place for public worship ; that in consequence of the decease and removal of nearly all the members of the said Society of Friends from the vicinity of the said meeting house within the period which has elapsed since the date of the said deed there have been no meetings for divine worship held therein for several years past, and the said monthly meeting of Friends of Shrewsbury, as also the said quarterly meeting of Shrewsbury and Rahway, have ceased to exist, and have been formally dissolved by the yearly meeting of the Society of Friends, held in Philadelphia aforesaid ; that in pursuance of the further terms of the said deed of trust, Lambert R. Ivins and Benjamin C. Parker, surviving trustees of the said premises, did convey the same, by the direction of the said yearly meeting of Friends for Pennsylvania, New Jersey, et cetera, held in Philadelphia, to the said Joel Wilson, Henry Wood,

William C. Ivins, Samuel Allinson, James Allinson and Richard F. Mott, in trust for the said purposes; that at a yearly meeting of the said Religious Society of Friends for Pennsylvania, New Jersey, et cetera (called Orthodox), held at their meeting house on Arch street, in the city of Philadelphia, on the twenty-second day of the fourth month, one thousand eight hundred and eighty, the following minute or resolution was duly adopted, viz.: "The attention of this meeting having been called to the situation of the meeting house and lot of ground at Shrewsbury, Monmouth county, New Jersey, which is now under the care of trustees appointed by this yearly meeting, and it being represented that no meeting for divine worship has been held in the house for several years past, and that there are not sufficient members of the Society of Friends in that vicinity to sustain such a meeting, it is the judgment of this meeting that the property should be sold; the trustees holding the legal title thereto are accordingly directed to apply to the next legislature of New Jersey for authority to sell the house and lot for such price as the trustees may think sufficient, and to apply the proceeds, under the direction of this meeting, for such purposes as may seem to accord most nearly with the intentions of the donors, as expressed in the original deed of trust for the premises; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joel Wilson, Henry Wood, William C. Ivins, Samuel Allinson, James Allinson, Richard F. Mott, trustees aforesaid, and the survivors of them, be and they are hereby authorized and empowered to sell at public or private sale, for such price as they may deem reasonable, all that the aforesaid meeting house and lot of ground situated in the village of Shrewsbury, county of Monmouth and state of New Jersey, as hereinbefore described, and to grant and convey the same, by a good and sufficient deed in fee simple, to the purchaser or purchasers thereof, clear of all trusts, and without any liability on the part of such purchasers to see to or be responsible for the application of the purchase money.

Trustees authorized to sell meeting-house and lot of ground.

2. *And be it enacted*, That upon the receipt of the purchase money or price of the said premises, after defraying the necessary costs and expenses incurred in publishing and enrolling this act, and in advertising and selling the said prop-

Trustees to invest proceeds of sale, &c.

erty or otherwise concerning the same, the said trustees shall and may invest the net proceeds thereof in such way and manner, and appropriate the income thereof for such uses and purposes as may seem most nearly to accord with those designated by the said original deed of trust for the said land and premises, as the said yearly meeting of the Religious Society of Friends (called Orthodox), held at Philadelphia, for Pennsylvania, New Jersey, et cetera, shall and may from time to time direct and appoint, by any minutes or resolutions concerning the same, adopted at its annual sessions.

3. *And be it enacted*, That this act shall go into effect immediately.

Approved February 16, 1881.

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## CHAPTER CLV.

An Act to empower "The Rector, Church Wardens and Vestry of Saint Peter's Church, in Perth Amboy," to make sale and conveyance of certain real estate.

Preamble.

WHEREAS, The said corporation is in possession of certain real estate, conveyed thereto by George Willocks and wife as to one undivided moiety thereof, and by John Harrison as to the other undivided moiety thereof, by deeds made in the year one thousand seven hundred and nineteen, in trust to and for the use of such ministers as serve the cure of said church and celebrate the worship of God according to the liturgy of the Church of England for the time being and their successors forever; *and whereas*, said lands having become valuable for building purposes, it is expedient that the same be sold, and their proceeds devoted to such use: therefore,

Corporation  
thorized to sell  
and convey  
lands and in-  
vest proceeds  
of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation, "The Church Wardens and Vestrymen of Saint Peter's Church, in Perth Amboy," are hereby authorized, at their discretion, to

sell and convey the said lands, to them conveyed as aforesaid, by the said George Willocks and John Harrison, and to invest the proceeds of such sale in bonds of the United States or in first bond and mortgage on improved real estate worth double the amount loaned thereon, which securities shall be held (by the said corporation) only upon the same trust aforesaid, that is to say, to pay the interest and profits thereof to the rector or other minister of said church for the time being.

2. *And be it enacted*, That neither the said bonds and mortgages, nor the said interest thereon, shall be used for any other use or purpose whatsoever, nor shall any part of the proceeds of any such sale be loaned, directly or indirectly, to any minister, warden or vestryman of said church.

Bonds and mortgages and interest, not to be used, &c.

3. *And be it enacted*, That it shall not be lawful for the said corporation to sell, convey or mortgage any part of the real estate to them belonging, and used for their church, burial ground or Sunday school, anything in this or any other act to the contrary notwithstanding.

Unlawful to sell, convey or mortgage real estate used for church and other purposes.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

## CHAPTER CXCIH.

A Supplement to an act entitled "An act to incorporate the Order of Saint Benedict in New Jersey," approved March fifth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement, shall have and possess the right and power of conferring the usual academic and other degrees granted by any other college in this state.

Certain rights conferred

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.



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